

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13162 of Bradford Callahan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to non-conforming structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to construct an open rear addition to a dwelling in an R-4 District at the premises 1418 C Street, N.E., (Square 1054, Lot 119).

HEARING DATE: February 13, 1980
DECISION DATE: March 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the northeast corner of the intersection of 14th Place and C Street, N.E., in an R-4 zone District at premises known as 1418 C St., N.E.
2. The site is approximately 1,612 square feet in area, and is improved with a two story and basement brick structure. This existing structure occupies 1,226 square feet of area, or seventy-six percent of the lot.
3. The applicant proposes to construct a rear deck at the first floor level with the use of the ground level as a carport. This carport is to be enclosed on both sides and open at the rear.
4. The addition is complete. The applicant testified that he tore down an original porch and erected the carport, not knowing that he was in violation of the Zoning Regulations. The proposed carport will be located entirely under the deck and does not project beyond the rear of the deck.
5. Sub-section 3301.1 of the Zoning Regulations requires a minimum lot area of 1,800 square feet for the R-4 zone. The subject lot of 1,612 is thus a non-conforming lot.
6. Sub-section 3303.1 requires that the maximum allowable percentage of lot occupancy does not exceed sixty percent, or in this application 967.23 square feet. The applicant proposes to occupy 1,444.40 square feet. Thus a variance of the 477.7 square feet or 49.23% is required.

7. Sub-section 3304.1 requires that a minimum rear yard of twenty feet be provided. The applicant provides 8.58 feet. Thus a variance of 11.42 feet or 57.10% is required.

8. The Capitol Hill Restoration Society, by letter dated February 12, 1980, opposed the application unless the assurance could be made that the use of the proposed addition would be limited to an unenclosed carport and an open porch. As stated in Finding of Fact No. 3, the Board finds that the application is for use of the addition as an open carport. In approving this application, the Board is approving only those items which are before it, and is not approving the enclosure of the carport or the roofing over of the deck.

9. Advisory Neighborhood Commission -6A by letter dated February 1, 1980 voted to support the application.

10. The Office of Planning and Development by report dated February 7, 1980, and testimony at public hearing, supported the application on the grounds that the proposed carport will not exceed the area covered by the deck on the upper level, and will not create objectionable conditions in the neighborhood. The Board so finds.

11. There were several letters of support from surrounding residents.

12. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of some exceptional or extraordinary situation of the property which causes a practical difficulty upon the owner. The Board concludes that the non-conformity of the lot size and percentage of lot occupancy at the time of adoption of the Zoning Regulations creates such a practical difficulty. The Board concludes that the applicant's use of the ground level, underneath an open deck, as an unenclosed carport does not materially change the non-conformity of the structure. The Board notes that the ANC supported the application, that there was no objection to the application from a substantial number of neighbors of the property and that the Capitol Hill Restoration Society was not opposed to the application in the event that approval was limited to the unenclosed carport and the open porch.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without **substantially** impairing the intent, purpose and integrity of the zone plan embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis, William F. McIntosh, and Leonard L. McCants to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.