

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13172 of Joseph and Embry Howell, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22), the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22), and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.21) for a proposed two-story rear addition to a detached dwelling which is a non-conforming structure in an R-1-B District at the premises 2923 Macomb Street, N. W., (Square 2082, Lot 33).

HEARING DATE: March 12, 1980
DECISION DATE: March 12, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the northeast side of Macomb Street, near its intersection with Connecticut Avenue, N. W. It is in an R-1-B Zone District, at premises known as 2923 Macomb Street, N. W.

2. The property is presently improved with a two-story and basement detached single family dwelling.

3. The applicant proposes to construct an addition consisting of a one story enclosed area on the first floor and an open deck at the second level at the rear of the structure. No variances are required for the deck.

4. The site is approximately 3,540 square feet in area. It is forty feet wide and varies in length from eighty-two feet on the east side to ninety-five feet on the west. The subject lot is smaller in size than all of the other residential lots within 200 feet on Macomb Street.

5. The subject property is adjacent to the Cleveland Park Branch of the D. C. Library. While the subject property is zoned R-1-B, it is adjacent to C-2-A and R-5-C zone districts, developed primarily with single family residences. An apartment house in the R-5-A District is located diagonally southeast across Macomb Street from this site.

6. The subject structure was built in 1912 as a single family detached dwelling. Upon adoption in 1958, Sub-section 3301.1 of the Zoning Regulations required a minimum lot area of 5,000 square feet and a minimum lot width of fifty feet for the R-1-B zone. The subject lot of 3,540 square feet in area and forty feet in width is thus a non-conforming lot.

7. Sub-section 3303.1 requires that the maximum allowable percentage of lot occupancy not exceed forty percent, or in this application 1,416 square feet. With the proposed addition, the applicant proposes to occupy 1823.52 square feet. Thus a variance of 407.52 square feet or twelve percent is required.

8. Sub-section 3304.1 requires a minimum rear yard of twenty-five feet. The subject site provides a 22.37 foot rear yard. Thus a variance of 2.63 feet or eleven percent is required.

9. On the west side of the structure, the applicant provides a 7.2 foot side yard. Sub-section 3305.1 requires an eight foot side yard. A variance of .80 feet or ten percent is therefore required.

10. ANC-3C by report dated March 3, 1980 offered support of the application on the grounds that the application meets the variance test of the Regulations because of the narrowness, shallowness, and shape of the lot. The Board so finds. The ANC also expressed appreciation of the applicant's early involvement of the ANC in consideration of the application, and willingness to cooperate with neighborhood residents' wishes.

11. The District of Columbia Public Library Department by letter dated February 8, 1980, offered appreciation of the applicant's disclosure of plans with the Department and felt that the addition would not reflect negatively upon the library building or property which adjoins the site on the east. The Board so finds.

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

CONCLUSIONS OF LAW AND OPINION

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 a practical difficulty inherent in the property itself, which creates a difficulty upon the owner in developing the property in strict compliance with the Zoning Regulations. The Board concludes that the narrowness of the lot, and its irregular shape creates such a difficulty. The property existed as a record lot prior to adoption of the 1958 Zoning Regulations. The Board further, is of the opinion that the requested variances can be granted without adverse effect on the surrounding neighborhood and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Regulations. The proposed addition will be in harmony with the existing residence as well as other houses in the neighborhood. Accordingly, it is hereby ORDERED that this application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Connie Fortune, Theodore F. Mariani and Leonard L. McCants to grant).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 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.

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HEARING DATE: March 12, 1980

DECISION DATE: March 12, 1980 (Bench Decision)

FINAL DATE OF ORDER: May 27, 1980

DISPOSITION: The Board granted the application by a vote of 5-0 (William F. McIntosh, Charles R. Norris, Connie Fortune, Theodore F. Mariani and Leonard L. McCants to grant)

REQUEST FOR MODIFICATION OF PLANS: June 9, 1980

DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The Board in its final Order of May 27, 1980, granted the application in accordance with plans submitted to the Board on December 31, 1979.

2. By letter dated June 6, 1980, the applicant requested a modification of the plans. The modification is needed to eliminate a fire place originally intended to be built, but is now economically prohibitive and to straighten one line of the rear of the addition.

3. The requested amendments are very minimal, and do not increase the variances requested. The changes, in fact, decrease the lot coverage by 4.5 square feet.

4. There was no opposition to the application as originally heard.

