GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13221, of Iric Nathanson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 3306.1) for a proposed addition to an existing row dwelling in an R-4 District at the premises 122 - 10th Street, S.E., (Square 968, Lot 18).

HEARING DATES: April 23 and May 28, 1980
DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The application was advertised to be heard on April 23, 1980. At the request of the applicant, the hearing was continued to May 28, 1980.

2. The subject property is located in an R-4 District on the east side of 10th Street between Independence and North Carolina Avenues, S.E.

3. The property is improved with a two-story brick row dwelling.

4. The lot is 12.83 feet wide and 100.875 feet deep. It contains an area of 1244.22 square feet.

5. The existing dwelling extends to a depth of forty-feet along the north wall of the building. There is an existing four foot wide court along the south side of the building which extends twelve feet into the depth of the house.

6. The applicant proposes to construct a one story addition at the rear of the existing dwelling. The addition will adjoin the kitchen and will serve as an eating area. The addition will fill up the existing four foot court and will extend 7.75 feet back past the rear of the existing building along the north side and 18.5 feet back from the rear of the existing building along the south side. The rear wall of the addition is thus set at an angle to the sides of the house.

7. The rear wall was angled to avoid destroying an existing mature tree located on the property line approximately five feet from the proposed addition.

8. The angled line of the addition creates an open court which tapers to a point opposite the open end of the court. The court is thus deemed to have a width of zero. The Zoning Regulations require an open court if provided to have a minimum width of six feet. A variance of six feet is thus required.

9. If the applicant were to construct an addition resulting in a rectangular court which met the minimum requirements, the width of the addition would be only 6.83 feet. This is not a practical dimension for a dining room.

10. With the addition, the applicant has a rear yard of 40.375 feet, far in excess of the twenty feet required.

11. With the addition, the building will occupy 721.35 square feet, well below the 776.53 square feet of building area permitted.

12. There is an existing fence located on the property line to the south. That fence will be rebuilt after the addition is constructed, to screen the view of the side of the addition from the adjoining property to the south.

13. Advisory Neighborhood Commission - 6B, by letter dated April 9, 1980, supported the application. The ANC noted that the addition was designed to save an existing tree in the back yard, that the house will be under the sixty percent lot occupancy permitted and that no neighborhood opposition had been received.

14. The owners of the abutting property to the north and south submitted a letter to the record stating they had no objection to the request for a variance.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the width of the existing lot and the location of the existing tree in the rear yard constitute such a condition, and that strict application of the regulations will create a practical difficulty for the applicant.

The Board notes that with the addition, the dwelling exceeds the standards for rear yard and lot occupancy. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and substantially without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Connie Fortune, and Leonard L. McCants and John F. Parsons 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: 20 AUG 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.