

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13228 of Howard C. Barrett, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) to construct a two story rear addition to a single family row dwelling which is a non-conforming structure in an R-2 District at the premises 509 Oglethorpe Street, N.E., (Square 3738, Lot 92).

HEARING DATE: April 23, 1980

DECISION DATE: April 23, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Oglethorpe Street, between Riggs Road to the east and 5th Street to the west, in an R-2 Zone District at the premises known as 509 Oglethorpe Street, N.E.

2. The site is presently developed with a two story and basement brick row dwelling.

3. The applicant proposes a two story rear addition to be used as a recreation room on the first floor and a bedroom on the second floor.

4. The subject property abuts a sixteen foot wide alley on its west and south sides and an adjoining semi-detached dwelling on its east. The subject square is developed, almost entirely with semi-detached dwellings. Jesse LaSalle Elementary School is located one block southeast of the site, and the Chillum Shopping Center including Giant Food, Peoples Drug, a bank, and other stores, is located one block to the southeast in a C-1 District.

5. The subject structure was built from side lot line to side lot line in 1950, which classified the structure as a row dwelling. Upon the adoption of the 1958 Zoning Regulations, residential development in the R-2 Zone District was required to have a side yard width of eight feet. Row dwellings are not permitted as a matter of right in the R-2 Zone. Thus, the structure is non-conforming.

6. The applicant proposes to build the addition from lot line to lot line in a manner similar to the existing structure. Thus a variance of eight feet is required pursuant to Sub-section 3305.1 of the current Zoning Regulations.

7. The adjoining dwelling to the east, currently a one-story frame addition to its rear, which extends eight feet into the rear yard. The applicant proposes an addition that will extend fifteen feet into the rear yard. The adjoining owner at 511 Oglethorp Street, N.E., by letter dated April 18, 1980, offered no objections to the proposed addition.

8. The addition will be separated from dwellings to the west and south by a sixteen foot public alley and neighboring rear yards averaging twenty five feet in depth.

9. The site is 16.23 feet wide and 110.81 feet long, and while it does not satisfy the lot width of thirty feet, and lot area of 3,000 square feet, it is in conformance with respect to rear yard and lot occupancy requirements of the Zoning Regulations.

10. Since the applicant's property is only 16.33 feet wide, any addition not requiring a variance would only be 8.33 feet wide, and impractical for use as liveable space.

11. There was no report from Advisory Neighborhood Commission 4B on this application.

12. The Office of Planning and Development by report dated April 1, 1980, and testimony at the time of public hearing, supported the application on the grounds that the owner is faced with a practical difficulty in developing the property in compliance with the Zoning Regulations, given the narrow width of the lot. The Board so finds.

13. 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 variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner in developing the property in strict compliance with the requirements of the Zoning Regulations. The Board concludes that the existence of the structure prior to the adoption of the Zoning Regulations, as well as the narrow width of the lot creates such a difficulty. The Board further concludes

