

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13262, of Halbert T. Blue, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7107.21) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.21) for a proposed addition (deck) to a single family semi-detached dwelling in an R-4 District at the premises 1001 F Street, N.E., (Square 961, Lot 18).

HEARING DATES: June 18, September 10 and September 17, 1980  
DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of June 18, 1980. At that time, the Board determined that the applicant had not posted the notice of the hearing on the property, as required by Section 3.33 of the Supplemental Rules of Practice and Procedure before the Board. The hearing was therefore continued until September 10, 1980. The property was properly posted for that hearing.
2. The subject property is located in an R-4 District at the southeast corner of 10th and F Streets, N.E.
3. The subject property is twenty feet wide facing F Street and 67.50 feet deep along 10th Street.
4. The subject property is improved with a single family dwelling. Because the building is eighteen feet, 11.5 inches wide, the building has a side yard of one foot, 0.5 inch on its west side adjoining 10th Street. The building shares a common division wall with the adjoining building to the east, and is therefore considered a semi-detached dwelling.
5. A semi-detached dwelling is required to have a minimum lot area of 3,000 square feet and a minimum lot width of thirty feet in an R-4 District. The subject lot has an area of 1,350 square feet and a width of twenty feet. The subject lot is thus non-conforming as to lot area and lot width.

6. The maximum permitted percentage of lot occupancy for a semi-detached dwelling in an R-4 District is forty per cent. For the lot, the maximum permitted building area is thus 540 square feet. The existing dwelling currently occupies 697 square feet and is thus non-conforming.

7. The applicant proposes to add a deck to the rear of the first floor of the subject building. The deck would be one story above the ground at that point, and would adjoin a family room.

8. The deck would add ninety-three square feet to the building area of the lot. A variance of 250 square feet for the lot occupancy requirements is thus necessary.

9. If the building were a row dwelling, the permitted lot occupancy would be sixty per cent, and the subject building would not be non-conforming. The majority of structures in the area are row dwellings.

10. The applicant commenced constructing the deck without a building permit, believing that no permit was required. The columns and joists for the deck have already been installed. The floor of the deck has not been put in place. The applicant was ordered to stop work on the project by a building inspector. No further construction was undertaken, and the applicant proceeded to file an application with the Board.

11. There was no report from Advisory Neighborhood Commission - 6A.

12. The Capitol Hill Restoration Society, by letter dated June 18, 1980, opposed the application. The Society argued that the applicant had made no showing of exceptional practical difficulty or undue hardship. The Society noted that one neighbor opposed the application "on the grounds that the deck would limit light and air in the small, clustered alley space where the deck is located."

13. There was no opposition to the application from any neighbors either at the public hearing or in the record of the case.

14. As to the opposition raised by the Capitol Hill Restoration Society, the Board finds that the small size of the lot and the fact that the building has a one foot, 1.5 inch side yard do constitute an exceptional condition, and, as set forth in the conclusions of law, that the applicant is deserving of a variance for this proposed addition. As to the light and air issue, the Board finds that there is no alley at the rear of this property, that the building with the addition will still meet the required rear yard depth of twenty feet and that the photographs submitted with the application demonstrate that no light or air for adjoining property will be blocked.

CONSLUSIONS OF LAW AND OPINION:

Based on the 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 an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size of the lot, the presence of the side yard and the nature of the existing building combine to create an exceptional condition of the property. The Board further concludes that the strict application of the regulations creates a practical difficulty for the applicant in that no addition could be approved without a variance. The Board 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 as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Connie Fortune, Charles R. Norris, Theodore F. Mariani, Leonard L. McCants and William F. McIntosh 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: 24 NOV 1980

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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.