

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13265, of Robert C. and Celia Eckhardt, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a row dwelling, which now exceeds the lot occupancy requirements (Paragraph 7107.21) and from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) to construct a two story rear addition in an R-4 District at the premises 122 - 3rd Street, S.E., (Square 788, Lot 58).

HEARING DATE: June 11, 1980  
DECISION DATE: June 11, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 3rd Street, S.E. between A Street and Independence Avenue and is known as 122 - 3rd Street, S.E. It is in an R-4 District.

2. The subject site is 1,344.01 square feet in area and is improved with a two story single family row dwelling. The site is rectangular in shape. There is a twenty-eight foot wide public alley to the east of the site. On the southern boundary of the property is an open court which is three feet, eight inches wide for a distance of 20.3 feet. It then widens to the width of five feet, eight inches to the point of the proposed addition.

3. The subject structure is non-conforming in that it exceeds the lot occupancy requirements by 138.27 square feet.

4. The applicant proposes to construct a two story rear addition. The previously existing rear porch will become an extension of the ground floor kitchen. The second floor addition will provide an additional bedroom.

5. A building permit No. B-275823 was issued on March 11, 1980 authorizing "enclose rear porch area per plans, roof in place, no change in size." The permit did not address itself to the second floor addition.

6. The proposed addition will be six feet long and 9.8 feet wide. The addition will follow the lines of the existing building.

7. The applicant seeks two variances, one from the prohibition against allowing an addition to a row dwelling which now exceeds the lot occupancy requirements and for a four inch variance from the open court requirements of six feet.

8. The addition will not increase the lot occupancy.

9. There was no opposition to the application at the public hearing or of record. A petition of some twenty-six signatures in support of the application was submitted at the public hearing.

10. Advisory Neighborhood Commission - 6B, by letter of June 10, 1980, recommended that the application be granted on the grounds that the proposed addition will not increase the percentage of lot occupancy and that the narrowness of the lot, 15.50 feet, creates a practical difficulty. The ANC further stated that as to the ground floor it was an enclosure of the existing ground floor. The rear addition will not extend beyond the immediately adjacent house and the impact on light and circulation will be minimal. The ANC also stated that neighbors had expressed support for the variances through personal appearance before the ANC and by petition. The Board so finds.

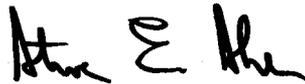
CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board notes the narrowness of the subject lot, the fact that the proposed addition will not increase the lot occupancy and that the open court variance of 0.33 feet is minimal. The Board concludes that the practical difficulty arises from the property itself. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT, Ruby B. McZier not present, not voting).

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

ATTESTED BY:



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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 13 JUN 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.