

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13295 of John Waller, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the percentage of lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) the rear yard requirements (Sub-section 3305.1 and Paragraph 7107.22) and the closed court requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed addition to an existing semi-detached dwelling which is a non conforming structure in an R-1-B District at the premises 1518 Whittier Street, N.W., (Square 2732, Lot 74).

HEARING DATE: July 23, 1980  
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the northwest corner of the intersection of 16th and Whittier Street.
2. The subject lot has thirty-five feet of frontage on 16th Street and 120.77 feet on Whittier Street. There is a ten foot building restriction line on Whittier Street. The subject property is improved with a two story plus basement brick semi-detached dwelling. The dwelling was constructed prior to the adoption of the present Zoning Regulations in 1958.
3. The front door of the house faces Whittier Street. For zoning purposes, the front of the house faces 16th Street.
4. The applicant proposes to construct a one story addition at the rear of the dwelling, and a two car garage toward the back of the lot. The garage would face Whittier Street. The garage and the addition would be connected by a brick arcade which would be open on the sides.
5. The R-1-B District permits a maximum lot occupancy of forty per cent for a single family building. For the subject lot, a building area of 1,690.08 is thus permitted. The existing building occupies 1491.25 square feet. The addition, garage and arcade would occupy an additional 869.39 feet, for a total building area of 2,360.64 square feet. A variance of 670.56 square feet is thus required.

6. Since the garage is connected to the dwelling by the roofed arcade, the entire structure is considered to be one building. The rear yard is thus the distance between the side of the garage and the rear lot line. This distance is proposed to be 9.37 feet. Since the R-1 District requires a rear yard of twenty-five feet, a variance of 15.63 feet is required. If the house were not connected to the garage, no rear yard variance would be required.

7. The existing dwelling has no side yard at its south side, since that is the side which abuts the lot line and makes it a semi-detached dwelling. The proposed garage and rear addition will follow the lines of the existing dwelling and abut the south side lot line. A variance of the eight foot side yard is thus required. Because of the narrow width of the lot for an R-1-B District, and the ten foot restriction line, if the full side yard were required, only seventeen feet would be left which could be built upon.

8. The arcade connection between the house and the garage creates a closed court of 12.7 by sixteen feet in size, an area of 203.2 square feet. The regulations require a minimum width of fifteen feet and a minimum area of 350 square feet. Variances of 3.2 feet and 146.8 square feet are thus required.

9. There are five similar semi-detached dwellings facing 16th Street to the south of the subject site. All have garages in their rear yards which face on a public alley. There is also a garage at the rear of the house located directly across Whittier Street to the north.

10. The house presently has no interior access to the basement. One of the purposes of the rear addition is to provide access to the basement without having to go outside.

11. There was no report from Advisory Neighborhood Commission 4A.

12. 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 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 relatively narrow width of the property, when combined with the lack of interior access to the basement of the existing structure do consist of an exceptional condition. Those conditions create a practical difficulty for the owner in complying with the requirements of the Zoning Regulations.

The Board concludes that if the arcade connection were removed, some of the variances would be reduced or eliminated. The Board concludes however that the arcade itself has no adverse affect and provides a useful addition to the single family dwelling. 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: 4-0 (Connie Fortune, Charles R. Norris and Walter B. Lewis to GRANT; William F. McIntosh to GRANT by PROXY; Leonard L. McCants not present, not voting).

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

ATTESTED BY: \_\_\_\_\_

*Steven E. Sher*

STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

6 OCT 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13295, of John Waller, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the percentage of lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) the rear yard requirements (Sub-section 3305.1 and Paragraph 7107.22) and the closed court requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed addition to an existing semi-detached dwelling which is a non-conforming structure in an R-1-B District at the premises 1518 Whittier Street, N.W., (Square 2732, Lot 74).

HEARING DATE: July 23, 1980  
DECISION DATE: September 3, 1980

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Connie Fortune, Charles R. Norris and Walter B. Lewis to grant; William F. McIntosh to grant by proxy; Leonard L. McCants not present, not voting).

FINAL DATE OF ORDER: October 6, 1980

ORDER

The Board granted the application by its order dated October 6, 1980. 11 DCMR 3104.1 provides that:

"No order of the Board authorizing the erection or alteration of a structure shall be valid for a period of longer than six (6) months unless, within that period the plans for the erection or alteration are filed for the purpose of securing a building permit."

The Board's order sets forth on Page 3 that:

"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 CONSUMER AND REGULATORY AFFAIRS."

By letter dated June 7, 1988, the applicant requested the Board to modify its Order waiving the six month period during which an application for a building permit must be filed. The reason for the request was that the applicant was not aware of the six month time period and, therefore,

did not previously file for a building permit. The applicant indicates that he now wishes to proceed with the proposed addition as originally approved by the Board. There was no opposition to the application.

The Board concludes that the applicant is seeking a waiver of Section 3104.1 of the Zoning Regulations. The Board further concludes that it has no authority to waive the requirements of the Zoning Regulations. Accordingly, it is ORDERED that the motion is DENIED for lack of jurisdiction. The Board notes that the applicant may file a new application before the Board requesting re-instatement of its prior order.

DECISION DATE: July 6, 1988

VOTE: 4-0 (Charles R. Norris, William F. McIntosh,  
Paula L. Jewell and Carrie L. Thornhill to  
deny).

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

ATTESTED BY:

*Edward L. Curry*  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: SEP 23 1988

UNDER 11 DCMR 3103.1, "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."

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 13295

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated SEP 23 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

John H. Waller  
1518 Whittier St., N.W.  
D.C. 20012

*Edward L. Curry*  
EDWARD L. CURRY  
Executive Director

DATE: SEP 23 1988