

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13315, of Ernest Green, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed two story rear addition to a row dwelling which is a non-conforming structure in an R-4 District at the premises 21 S Street, N.W., (Square 3106, Lot 47).

HEARING DATE: October 15, 1980
DECISION DATE: November 5, 1980

FINDINGS OF FACT:

1. The application was scheduled for the public hearing of September 10, 1980, but was continued to the public hearing of October 15, 1980. The applicant had failed to comply with Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA in that he had failed to post the notice of hearing on the subject property at least ten days before the public hearing.
2. The subject property is located on the north side of S Street, between 1st and North Capitol Streets, and is known as 21 S Street, N.W. It is in an R-4 District.
3. The subject site is flat and rectangular in shape and measures 16.67 feet wide by ninety feet deep. The site is improved with a two story and basement three bedroom row structure. The applicant, his wife and three children occupy the subject dwelling.
4. The applicant proposes to construct a two story rear addition which will measure thirteen feet in width and twelve feet in length. The first and second story rear additions will constitute two new bedrooms. In his statement of intent filed with the application, the applicant stated that the two additional bedrooms are to accommodate two other children who will live with the applicant permanently.

5. The applicant is renovating the entire subject structure. A previously existing two story addition has been torn down and it is proposed to replace it with the subject new addition. The new addition will be larger than the one it is replacing.

6. The applicant will require a variance of 2.33 feet or 38.83 percent from the open court requirements for the proposed addition.

7. The proposed addition on the second floor level will have a deck measuring four by six feet.

8. A neighbor residing at 17 S Street objected to the application on the grounds that the new addition will project further into the rear yard than the previously existing addition and that, from its size, it will block the light and air to his dwelling. From an inspection of the plans and photographs in the record, the Board finds that the proposed addition will adversely effect the circulation of light and air to adjoining properties.

9. There was no support for the application at the public hearing or of record.

10. Advisory Neighborhood Commission - 5C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty that is inherent in the property itself. The Board notes that the site is rectangular in shape and flat. The Board concludes that there is no practical difficulty inherent in the property. The applicant is attempting to overburden the site with his proposed addition. He is attempting to provide more accommodations and facilities on a site that is contrary to the intent of the Zoning Regulations in an R-4 District. A more commodious way of living is not a basis for granting an area variance. The practical difficulty alleged is pursuant to the applicant and does not arise out of the property itself. The Board further concludes that the relief cannot be granted without 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 DENIED.

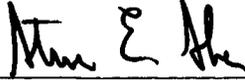
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VOTE: 5-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton,
Charles R. Norris and William F. McIntosh to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 MAR 1981

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".