

Government of the District of Columbia
ZONING COMMISSION



Application No. 13326, of Howell E. Begle, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to construct a deck on the rear and side of an existing detached dwelling which is a non-conforming structure in an R-1-B District at the premises 2942 Newark Street, N.W., (Square 2082, Lot 852).

HEARING DATE: September 17, 1980
DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the south side of Newark Street between Connecticut Avenue and Highland Place, N.W.

2. The site is presently improved with a three story plus basement detached single family dwelling. The dwelling was constructed in the early 1900's, well before the present Zoning Regulations became effective on May 12, 1958.

3. The lot slopes sharply down from front to rear. The basement is at grade at the rear, and the lot continues to slope down toward the abutting property in the rear. The lot is not rectangular, with the front lot line curving slightly and the rear lot line at an angle to the sides.

4. The applicant proposes to replace existing concrete steps leading to the first floor on the east side of the house. The applicant further proposes to extend a deck along the full depth of the east side of the house and the full width of the rear.

5. The deck would be at the level of the first floor of the house and would be six feet, six inches wide along the side. There would be an eight foot side yard between the edge of the deck and the side lot line, which meets the requirements of the regulations.

6. The deck would extend eleven feet, six inches back from the rear of the existing house. The existing rear yard varies in depth, with a minimum of 18.53 feet at the southwest corner of the house. The Zoning Regulations require a rear yard to be a minimum depth of twenty-five feet in an R-1-B District, so the existing structure is non-conforming as to rear yard. The rear yard with the deck will average 9.68 feet in depth. A variance of 15.32 feet is thus required.

7. The lot has an area of 4,386 square feet, below the minimum area of 5,000 square feet required by the regulations for a detached single family dwelling in an R-1-B District. The existing dwelling occupies 1,441.42 square feet, the addition will occupy 635.21 square feet, for a total lot occupancy of 2,076.63 square feet. The maximum permitted lot occupancy is 1,754.4 square feet. A variance of 322.23 square feet is thus required.

8. The deck would allow access to the exterior of the building from the kitchen and a sitting room located at the rear of the house. Because of the slope of the lot, the deck is required to be included in the lot occupancy and rear yard computations.

9. The deck will be open to the sky and will be enclosed only by a wooden railing along the side and a railing with built in seat along the rear.

10. The proposed deck would be built at an elevation substantially above the level of the property to the immediate south which faces Macomb Street, but would not obstruct the sky to that or any other property adjacent to that of the applicant.

11. Advisory Neighborhood Commission - 3C, by letter and report dated September 1, 1980, advised the Board that it did not oppose the application. The ANC was concerned that there be no apartment in the basement of the house, that no part of the area under the rear portion of the deck be enclosed and that no part of the area over any portion of the deck be enclosed beyond any projections permitted in Section 7602 of the regulations.

12. As to the concerns of the ANC, at the hearing the applicant testified that he proposes to make no changes to the basement area of the house. The Board further finds that the plans which are before the Board in this application, marked as Exhibit No. 9 of the record, do not provide for any enclosure above the deck or below the rear of the deck.

13. 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 applicant has made the required showing, in that the shape of the lot, the siting of the existing dwelling on that lot, and the topographical features of the lot do create such a difficulty with respect to the contemplated improvement.

The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled. 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 (Charles R. Norris, Theodore F. Mariani, Connie Fortune and William F. McIntosh to GRANT; Leonard L. McCants not voting, not having heard the case).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 10 NOV 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.