GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13356, of Sharon T. Nelson, 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 requirement (Paragraph 7107.21) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.21) for a proposed third-story addition to a row dwelling in an R-4 District at the premises 418 D Street, S.E., (Square 820, Lot 801).

HEARING DATE: October 15, 1980
DECISION DATE: October 15, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property, known as 418 D Street, S.E., is located in an R-4 District on the north side of D Street between 4th and 5th Streets, S.E.

2. The site is presently improved with a two-story row dwelling, with no basement or attic.

3. The subject property is located on a street dominated by three-story buildings and faces a large four-and-a-half-story apartment building, and abuts a three-story dwelling. Other than the subject property, there are only two other two-story buildings, one of which sits atop a high grade and is located farthest from the subject property. The other is attached to the subject property on the west.

4. The lot, which is approximately 1,237.5 square feet in area is rectangular in shape and is 16.5 feet wide and 75.0 feet deep.

5. The applicant proposes to raise the roof of the existing dwelling to add a third floor which shall include two bedrooms and a bathroom, in accordance with plans submitted as Exhibit No. 7, on July 31, 1980.

6. According to the proposed plans, the third floor will be set back 6.5 feet from the existing front parapet of the house, and will slope back, so as not to change the existing view from the street. The third floor will exceed the existing dwelling footprint in the rear by eighteen inches for architectually aesthetic considerations.

7. The dwelling, which covers approximately 824.01 square feet in area, was built around 1890, prior to the adoption of the current Zoning Regulations of May 12, 1958. The lot is less than 1,800 square feet in area, and the existing dwelling covers some sixty-seven per cent of the lot. In addition, the proposed addition, while set back 6.5 feet from the front of the existing structure, increases the footprint of the dwelling by 24.75 square feet, resulting in a structure covering some sixty-nine per cent of the lot. The applicant seeks two variances, an addition to a non-conforming structure and from the lot occupancy requirements.

8. The site is located within the boundaries of the Capitol Hill Historic District.

9. The owner, a lawyer who works part-time at home, is pregnant and expecting a child in mid November. The owner's husband is a freelance writer who works full-time at home. The existing dwelling, which was purchased when the owner was single, has inadequate space for the addition to the family.

10. The addition has been set back from the street frontage in order to minimize the visual impact from the street.

11. The existing adjacent structure on the east is approximately four feet higher than the subject property. There are no windows or other openings in that structure which would be affected by the proposed addition.

12. Because the structure adjacent on the west is a two story structure the proposed addition will be above the roof line of that structure. The applicant testified that this neighbor had no objection to the proposed addition.

13. The Office of Planning and Development, by report dated October 8, 1980, recommended that the application be approved.

It noted that the subject dwelling was contructed in 1890 and is non-conforming as to the lot area, lot width and lot occupancy requirements of the current Zoning Regulations. It further noted that the proposed addition will not result in adverse impacts on adjacent properties on the future developments of the area. The light, air and ventilation on adjoining or newly properties is preserved. The Board so finds.

14. The applicant testified that although the neighbors located within 200 feet of the subject property were informed of the consideration of this proposal by ANC 6B, and all the immediate neighbors were advised of the Capitol Hill Restoration Society's consideration of this proposal, no neighbors appeared to oppose this petition at the four public hearings held by these groups.

15. There was no opposition at the Public Hearing. There were two letters submitted to the record concerning the application. One letter from a neighbor across the street with a front view of the subject dwelling supported the application. The other letter was from an absentee landlord of a two-story, peaked-roof cape house which sits on a hill at the corner of Fourth and D Streets, the farthest away from subject property on the block. The second letter opposed the petition claiming that a third-floor addition would change the character of a predominately two-story block of houses.

16. Advisory Neighborhood Commission 6B made no recommendation on the application.

CONCLUSION OF LAW

Based on the record the Board concludes that the requested variances are area variances, the granting of which requires the showing of an extraordinary or exceptional condition or situation which creates a practical difficulty in the property itself for the owner. The Board concludes that the size of the lot and structure which existed prior to the adoption of the current Zoning Regulations create such a difficulty. The Board notes that the proposed addition is within the height limit of the R-4 Zone, and that the eighteen inch extension of the rear of the third floor, taken in conjunction with the setback of 6.5 feet in the front, and a review of the plans in general, makes it clear that such extension is not for space, but for important architectural aesthetic considerations.

The Board further concludes that the reguested relief can be granted without substanial 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 Map. Accordingly, it is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Douglas J. Patton, Connie Fortune and William F. McIntosh to grant, Walter B. Lewis 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: 31 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.