

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13423, of Mary P. Moton, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 3306.1) to construct a front addition to a row dwelling in an R-3 District at the premises 3438 Dix Street, N.E., (Square 5017, Lot 89).

HEARING DATES: February 11 and March 11, 1981
DECISION DATE: April 1, 1981

FINDINGS OF FACT:

1. The application was originally scheduled for hearing on February 11, 1981. Through an error on the part of the staff of the Board, the applicant was not advised to post a notice of the hearing on the subject property. The hearing was therefore continued until March 11, 1981, so as to provide proper notice in accordance with the Supplemental Rules of Practice and Procedure before the Board.
2. The subject property is located in an R-3 District on the north side of Dix Street between 34th and 36th Streets, N.E.
3. The subject property is sixteen feet wide, and approximately ninety-two feet deep.
4. The applicant proposes to construct a one-story enclosed porch at the front of the building. The porch would extend seven feet, four inches toward the front of the house. The porch will be a total of 14.5 feet in width.
5. The subject property is improved with a two-story brick row dwelling. The front of the present building is set back twenty-five feet from the front of the lot.
6. The eastern portion of the front of the porch is recessed for an area of three feet, six inches, by four feet, four inches. This is to provide access through the porch to the dwelling. This area is considered as an open court under the Zoning Regulations. In an R-3 District, an open court is required to be a minimum of six feet wide. The applicant thus requires a variance of 2.5 feet.

7. The porch is set back from the west side lot line a distance of 1.5 feet. This is also an open court, and consequently requires a variance of 4.5 feet.

8. There is an existing gas line to the dwelling located in the 1.5 foot area adjacent to the west lot line. The variance is requested to avoid having to relocate the gas line.

9. The houses on either side of the subject property have additions similar to that proposed by the applicant.

10. The owner of the property at 3436 Dix Street submitted a letter indicating no objection to the application.

11. There was no report from Advisory Neighborhood Commission - 7A.

12. There was no opposition to the application.

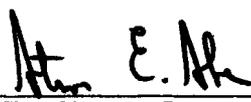
CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, 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 location of the existing gas line is such a condition. The Board further concludes that the strict application of the Regulations would create a practical difficulty for the applicant, in requiring the relocation of the gas line and the rearrangement of the access to the house. The Board notes the support of one of the abutting property owners and the lack of opposition. 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, William F. McIntosh and Connie Fortune to GRANT; Douglas J. Patton to GRANT by PROXY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 4 MAY 1981

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.

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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."