

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13471 of Thomas E. Carroll, 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) for proposed additions to an existing row dwelling which is a non-conforming structure in an R-3 District at the premises 1614 - 32nd Street, N.W., (Square 1280, Lot 91).

HEARING DATE: April 22, 1981
DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located on the west side of 32nd Street between Q Street and Scott Place, N.W. It is in an R-3 District at premises known as 1614 - 32nd Street, N.W.
2. This property is developed with a two-story row house, built in 1943 which occupies 57.70 percent of the lot.
3. The applicant proposes an addition consisting of two distinct components. There will be a one-story addition, 6.5 feet in depth, extending to the side property line within a lawful open court enclosed by the subject structure on two sides and the adjoining row house to the south. There will also be a one-story addition to the rear of the house containing a spa and laundry facilities, with a width of 7.83 feet, abutting the north property line, and extending to the rear property line.
4. The subject structure is presently non-conforming. The R-3 zone requires a minimum lot area of 2,000 square feet. The subject site contains only 1,688 square feet.
5. A maximum lot occupancy of sixty percent or in this case 1,012.86 square feet is permitted. The existing building occupies 923.60 square feet. With construction of the proposed additions, the subject structure will occupy 1,115.52 square feet, or 70.13 percent of the lot.
6. A rear yard of twenty feet is required. The applicant currently provides approximately thirteen feet. Upon completion of the proposed rear addition, no rear yard will be provided.
7. The site meets the lot width and open court requirements of the Zoning Regulations.

8. Thirty-second Street is a narrow one-way street, approximately twenty-five feet from curb to curb. The land rises moderately to the north. To the north and south of the property, row houses predominate. To the east of the property, across 32nd Street, is a detached house on a site of several acres. To the west and adjacent to the rear yard of the subject property is a 20-year-old row house development on Sutter's Lane. Beyond this development, approximately 100 feet from the subject property, is the commercial corridor of Georgetown fronting on Wisconsin Avenue.

9. There is no public alley to the rear of the subject property. The rear yard abuts the rear yard of 1611 Sutter's Lane. Most of the structures south of the subject property on Q Street, as well as several to the north, are non-conforming with respect to lot area, lot occupancy, and rear yards.

10. The architect for the applicant testified that there is no other feasible location on the site in which to place the proposed addition. Given the existence of brick walls at the rear of the property as well as the northern side of the property, only inches lower than the proposed addition, no increase in the infringement of light and air to neighboring properties would be created. On the south side of the lot, an open court of 9.69 feet exists to allow such circulation of light and air.

11. The architect further testified that because the property is located in an Historic District, the Fine Arts Commission would allow virtually no changes to the front facade of the property. The architect also noted, that if the lot was not substandard in size, even with the proposed addition, the structure would be well under the allowable percentage of lot occupancy.

12. The applicant testified the house is inadequate for today's living patterns in that it provides no basement, storage or dining area.

13. The owner of adjoining property at 1616 - 32nd Street, offered no objection to the granting of this application, provided the addition is no higher than one story, and the wall between the two properties is finished in brick.

14. Advisory Neighborhood Commission 3A by letter of April 13, 1981 offered no objections to the granting of this application because the addition is not an intensification of use, and limited to a one-story addition.

15. The owner of the property adjoining the rear lot line at 1611 Sutter's Lane offered no objections provided the addition be limited to one story in height and the existing rear wall be increased to the height of the one story addition.

16. The Office of Planning and Development by report dated April 17, 1981, and testimony at the time of public hearing, opposed the application on the grounds that no other surrounding property provides a rear yard of less than ten feet and that there is available for development, more than 110 square feet over the existing first floor along the south side of the property. The applicant's architect testified that an existing skylight, plus the inability of the existing structure to support another story at the top of the existing first or second level, prohibits such development. The Board agrees with the architect, and finds a basis to grant the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing 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 a practical difficulty inherent in the property itself which prohibits the use of the property in strict compliance with the Zoning Regulations. The Board concludes that given the layout of the existing structure, the inadequate lot size, as well as its designation as part of an Historic District, which limits changes to the front facade of the structure, cumulatively create such a practical difficulty. The Board, further, is of the opinion that given the existence of the rear and side brick wall, no infringement upon the light and air of adjoining property owners would be created by the proposed one story addition. The requested relief can be granted without substantial detriment to the public good, and without impairing the intent, purpose and integrity of the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is hereby GRANTED subject to the following CONDITIONS:

1. The addition shall be limited to one story in height.
2. The wall between the subject site and the adjoining property at 1616 - 32nd Street shall be finished in brick.

VOTE: 4-0 (John G. Parsons and Connie Fortune to grant; Douglas J. Patton and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:


STEVEN E. SHER
Executive Director

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FINAL DATE OF ORDER: 8 AUG 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."

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.