

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13493 of James E. and Ann M. Brown, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (sub-section 3104.3), from the prohibition against allowing an addition to a structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21), 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 rear addition to an existing apartment house which is a non-conforming structure in an R-4 District at the premises 200 - 4th Street, S.E., (Square 819, Lot 810).

HEARING DATE: May 20, 1981  
DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. The subject property is located on the southeast corner of Fourth Street and Independence Avenue, S.E., in an R-4 zone District at premises known as 200 - 4th Street, S.E.

2. The subject site is developed with a three story row house with English basement fronting on Fourth Street.

3. The lot is 1,015 square feet in area. It is 19.32 feet in width, with an unusually shallow depth of 52.54 feet.

4. The original brick structure occupies 617 square feet of the site. A two story frame addition, 11.10 feet in width is attached to the rear of the southern portion of the original structure. That addition occupies another seventy-nine square feet for a total lot occupancy of 68.5 percent.

5. The applicant proposes to build another rear addition next to the existing frame addition. The proposed addition would occupy an additional seventy six square feet of the subject property. It would also project twenty one square feet into public property to accommodate a bay window similar in design to an existing bay window on the north side of the property. This bay window would shield the existing frame addition from view on Independence Avenue.

6. The proposed rear addition would provide bathroom space for the English basement and first floor levels, which together constitute one dwelling unit. The two top floors each constitute a one bedroom living unit, complete with kitchen and bath. The first two floors currently do not have a full bath to serve that unit.

7. The building has been used as an apartment house since at least 1946. This is not a permitted R-4 use. Thus the applicant seeks a variance from the use provisions to add to that existing use.

8. The applicant provides a rear yard of 11.37 feet. Twenty feet is required. Thus a variance of 8.63 feet or forty three percent is required.

9. The maximum allowable percentage of lot occupancy is sixty percent, or in this case, 609.04 square feet. With the proposed addition, the subject structure would occupy 771.49 square feet. Thus a variance of 162.45 square feet or 26.69 percent is required.

10. The site is nonconforming as to lot size. The R-4 zone requires a minimum lot size of 1,800 square feet. The subject site is 1,015.07 square feet.

11. The site complies with the R-4 requirements as to lot width.

12. The Office of Planning and Development by report received May 15, 1981, and testimony given at the public hearing, recommended approval of the application on the grounds that the proposed addition would not reduce light and air to the adjoining property to the east, as that site is developed with a structure set back approximately ten feet from the property line, and the existing building on the subject site is much taller than the proposed addition. The Office of Planning and Development found that the size of the lot created a hardship, in that the building erected in 1860 in its existing footprint, cannot provide for the modern sanitary needs of the applicant. The Board so finds.

13. Advisory Neighborhood Commission 6B, by testimony at the public hearing and report filed on May 28, 1981, voted not to support the application. The ANC noted, however, that if certain information had been available to it, this opposition might have been reversed. The Board notes that at the hearing of this application, the ANC was unaware of the nature of the request for the rear addition.

14. There were letters of support from adjoining as well as surrounding residents. There was also a petition of support on behalf of the application.

15. There were two letters of opposition to the granting of this application on the grounds that no addition should be allowed to a non-conforming use, and that the proposed increase would allow for the rental of more rooms. The Board finds that the proposed addition is to be used solely for bath room facilities for the already existing apartment located on the first two levels of the structure.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested rear yard and lot occupancy variances are area variances, the granting of which requires the showing of a practical difficulty inherent in the property itself, which prohibits its use in strict compliance with the Zoning Regulations. The Board concludes that the unusually shallow depth of the lot creates such a difficulty, as well as the substandard size of the lot at the time of adoption of the Zoning Regulations.

As to the variance from the use provisions allowing an addition to an apartment house which is a non-conforming structure, the Board further concludes that this small addition of bathroom facilities to one of three units in existence since at least 1946, will not increase the degree of non-conformity of the structure. The premises has been, now is, and will continue to be used as a three unit apartment building.

The proposed addition would lend itself to an aesthetic improvement of the two story frame addition at the rear of the property. The addition would not decrease the ventilation of air or light to adjoining property. Nor would the addition have an adverse impact on surrounding properties. The Board further concludes that the requested variances can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied on the Zoning Regulations and map. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Douglas J. Patton, William F. McIntosh, Connie Fortune to grant; Charles R. Norris to grant by proxy)

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

