GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13534, of Carl R. and Jean J. Sharek, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) for a proposed garage and an addition to a dwelling in an R-5-B District at the premises 1132 - 25th Street, N.W., (Square 14, Lot 56).

HEARING DATE: July 29, 1981
DECISION DATE: July 29, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the west side of 25th Street between M Street and Pennsylvania Avenue and is known as premises 1132 - 25th Street, N.W. It is in an R-5-B District.

2. The subject site measures 1,615 square feet in area and is improved with a three story semi-detached structure that fronts on 25th Street. There is also an existing two story and a one story rear addition.

3. The site is rectangular in shape and flat. A seventeen foot wide public alley abuts the site to the south. A twenty foot wide public alley abuts the site to the west.

4. The applicants propose to construct a garage at the southwest corner of the site, to extend the kitchen, which is in the one-story addition, 3.6 feet to the south and to add a second story over the kitchen.

5. An R-5-B District permits a lot occupancy of sixty percent or 969 square feet for the subject site. The current lot occupancy measures 950.14 square feet. The proposed construction will add 370 square feet to the site. The applicant seeks a variance from the lot occupancy requirements of 351.14 square feet.

6. The applicants testified that the existing kitchen was tiny and narrow and needed extensive renovation. The structure had been rented as a single family residence. The applicants are now retired and plan to occupy the dwelling as their home. The addition will conform to the height and depth of the addition on the property of the abutting property owner to the north and will be flush with its wall. There are no windows in said wall.

7. The said owner to the north has a garage in the rear yard. The proposed garage will match the height and depth of the neighbor's garage. It will also have a pitched roof as does the abutting property. The roof lines would be the same. The applicants will still provide a rear yard of 31.58 feet in depth.

8. The applicants testified to the difficulty in finding on street parking in their vicinity of the Foggy Bottom-West-End area.

9. A property owner located two sites north of the subject property appeared at the public hearing and testified that her dwelling conformed to the subject property other than not having a garage. She confirmed the existence of the structure, the two story addition and the garage on the site immediately north of the subject site. The witness testified that she would have no objections to the proposals as long as they conformed to what was proposed and they matched the height and depth of the structures to the immediate north of the subject site.

10. Another witness at the public hearing withdrew his objections when he was advised that the subject property was north and not south of the seventeen foot public alley. He resides on Pennsylvania Avenue and thought that his view might have been obstructed by the proposals.

11. There was no objection to the application at the public hearing or of record.

12. Advisory Neighborhood Commission - 2A, by report dated July 9, 1981, recommended that the application be approved. In its resolution, the ANC reported that the applicants will reside on the site, the site will be used for residential purposes, the proposals are generally consistent with the height and bulk of neighboring properties and that the proposals do not significantly alter the character of the R-5-B District. The Board concurs in the ANC recommendation.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires proof of the existence of a practical difficulty inherent in the property. The Board notes that the depth of the site is ninety-six feet. After the construction of the garage, the rear yard will still have a depth of 31.58 feet. The requested relief stems from the area involved on the coverage of the lot by the garage. The Board notes that the addition will conform with neighboring properties as evidenced by the ANC report and the testimony of another property owner at the public hearing. The Board concludes that the practical difficulty exists. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the Construction conform to the PLANS marked as EXHIBIT NO. 8 of the record.

VOTE: 5-0 (Lindsley Williams, Douglas J. Patton, William F. McIntosh, Charles R. Norris and Connie Fortune to GRANT).

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

ATTESTED BY: _____
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 SEP 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13534, of Carl R. and Jean J. Sharek, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) for a proposed garage and an addition to a dwelling in an R-5-B District at the premises 1132 - 25th Street, N.W., (Square 14, Lot 56).

HEARING DATE: July 29, 1981
DECISION DATE: July 29, 1981 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Lindsley Williams, Douglas J. Patton, William F. McIntosh, Charles R. Norris and Connie Fortune to GRANT).

FINAL DATE OF ORDER: September 18, 1981

ORDER

By letter dated January 15, 1982, the applicant requested approval from the Board to modify plans previously approved by the Board in its Final Order dated September 18, 1981.

The Board notes that as set forth in the previous findings of fact, the applicants relied upon the extremely small size of the kitchen in the building as the basis for an exceptional condition of the property. That condition was to be remedied by the expansion of the kitchen through the proposed addition. Upon review of the modified plans the applicants now seek to have approved the Board finds that the kitchen has been relocated to an area entirely within the existing building. The size of the proposed kitchen is also well below that originally approved by the Board. The Board finds that if the proposed modifications to the plans are approved, the material facts that the Board relied upon would no longer be relevant to this application. The Board therefore concludes that the requested modification of plans cannot be approved, and the previously approved plans should remain in effect.

The Board notes that the applicants have three alternative remedies. They can proceed with construction as previously approved by the Board. They can redesign the interior of the existing building and proceed with renovation of the building as a flat as a matter-of-right. They can file a new application with the Board for the construction as proposed in the modified plans and attempt to provide at a new public hearing the basis for the granting of a variance.

Accordingly, it is therefore hereby ORDERED that the request for modification of plans previously approved is DENIED.

VOTE: 3-1 (Connie Fortune, William F. McIntosh and Douglas J. Patton to DENY request to modify plans; Charles R. Norris OPPOSED to the motion; John G. Parsons 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: APR 12 1982

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."