

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13566, of Carmela and Amable Ortiz, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) for a proposed one story rear addition to an existing semi-detached dwelling in an R-2 District at the premises 4417 Harrison Street, N.W., (Square 1580, Lot 29).

HEARING DATE: September 30, 1981  
DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject site is located on the north side of Harrison Street, between Wisconsin Avenue and 45th Street, N.W., and is known as 4417 Harrison Street, N.W. It is in an R-2 District.
2. The site is rectangular in shape. It measures 24.33 feet in width by eighty-five feet in depth. To the rear of the site is a public alley which measures fifteen feet in width.
3. The site is improved with a single-family two and a half story, brick semi-detached dwelling approximately 18.33 feet wide by thirty-six feet deep. The house is presently leased as a single family dwelling.
4. To the north of the subject site is the parking lot of the Lord and Taylor department store in the R-5-B District. To the south is Harrison Street and single-family detached and semi-detached dwellings in the R-2 District. To the east and west are single-family semi-detached dwellings in the R-2 District.
5. The applicant proposes to construct a one-story rear addition approximately 18.33 feet wide by eighteen feet deep providing additional floor space to the main level. The addition is to be constructed of brick similar to the main house.
6. The addition is needed to increase living space to provide an additional bedroom on the main level for Mr. Ortiz, who has a heart ailment which does not permit him to travel up and down stairs. An existing half bath will be improved to a full bath on the main level.

7. The applicants testified that they will reside on the subject premises.

8. The R-2 District requires a lot area of 3,000 square feet. The subject lot contains 2,068.05 square feet. The R-2 District requires a minimum lot width of thirty feet. The existing lot width is 24.33 feet.

9. The R-2 District allows a maximum forty percent lot occupancy, or 827.22 square feet for the subject lot. The existing dwelling occupies 659.88 square feet.

10. The R-2 District requires a minimum rear yard of twenty feet. With the addition, 21.95 feet will be provided.

11. The R-2 District requires a minimum side yard of eight feet. The existing dwelling has a six foot side yard. Since the addition will not decrease the width of that side yard, no variance is required as to side yard.

12. The proposed addition will add 329.94 square feet of coverage to the lot, resulting in a total occupancy of 989.82. The applicants therefore require a variance of 162.6 square feet or twenty percent.

13. A letter was entered into the record by a neighboring property owner expressing opposition to the proposed application. No reason for the opposition was stated.

14. A representative of Advisory Neighborhood Commission 3E testified at the public hearing. By written correspondence dated October 26, 1981, the ANC advised the Board that it did not oppose the application. ANC-3E also reported that through meetings with neighboring property owners misunderstandings and many objections to the application were satisfied once neighbors were given correct information concerning the application.

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 evidence of a practical difficulty that is inherent in the property itself. The structure was built prior to the adoption of the Zoning Regulations, on a substandard lot. The proposed one-story addition will not create a non-conforming rear yard, nor will it increase the degree of non-conformity of the side yard. The Board concludes that the practical difficulty is inherent in the size of the property.

The Board further concludes that the relief 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 hereby GRANTED.

VOTE: 5-0 (Charles R. Norris, Walter B. Lewis, Douglas J. Patton and Connie Fortune to GRANT; William F. McIntosh to GRANT by PROXY).

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

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAR - 1 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."

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.