

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13581 of John A. and Patricia S. Koskinen, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an accessory use (tennis court) on a lot other than the same lot with the dwelling to which it is accessory (Sub-section 7601.1) for a proposed subdivision of the subject lot into two lots in an R-1-A District at the premises 1800 Redwood Terrace, N.W., (Square 2756, Lot 838).

HEARING DATE: October 21, 1981  
DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject site is located in an R-1-A District at the intersection of Redwood Terrace and Birch Drive and is known as 1800 Redwood Terrace, N.W.
2. The subject lot contains approximately 25,600 square feet, or over three times the amount required for a single lot by the Zoning Regulations.
3. The subject site is improved with a single family residence and a tennis court.
4. The subject site was purchased by the applicants in May of 1979. At that time, and up to the present, the applicants resided at 1846 Redwood Terrace, N.W. In May of 1979, the applicants commenced construction of the tennis court at 1800 Redwood Terrace, which they intended for the sole use of themselves and their guests. In August of 1980, the applicants agreed to lease the dwelling at 1800 Redwood Terrace to another family with an option to purchase. However, in that lease the applicants reserved the right to the continued exclusive use of the tennis court.
5. The applicants now wish to subdivide the subject site in order to sell the dwelling thereon pursuant to the option agreement and to retain ownership of the tennis court as an accessory use to their principal residence at 1846 Redwood Terrace. The requested variance will allow the tennis court to be used for its intended purpose, as it has been used since construction was completed.
6. The tennis court was constructed by the applicants on the subject site, rather than on their lot at 1846

Redwood Terrace, because a tennis court physically would not fit on the latter site.

7. The tennis court was constructed by the applicants in good faith and with all required permits issued by the District of Columbia Government. The issue which is the subject of this case was never raised by the District of Columbia officials because, at the time of construction of the court, the applicants were the owners of the subject site on which the accessory use was to be located.

8. The strict application of the Zoning Regulations in this case would frustrate the very purpose for which the tennis court was constructed. The applicants wish to continue to use the court exactly as it has been used since construction was completed. The only change is that the dwelling on the subject site will be owned by another person. The tennis court was designed and built at great expense to the applicants under the assumption that the intended use of the court would comply with all applicable District of Columbia laws and regulations.

9. Denial of the requested variance relief would require the applicants to retain the dwelling and tennis court on the subject site as one record lot of over 25,600 square feet in size. Any attempt to sell a lot of this size would greatly limit the number of prospective purchasers, and the applicants would face the prospect of not being able to recoup their substantial investment in the tennis court.

10. The applicant testified at the public hearing that the subject tennis court, if permitted to be located on its own record lot, would continue to be used in a manner accessory to the applicants' principal residence located at 1846 Redwood Terrace, N.W. The Board so finds.

11. The applicants submitted a petition in support of their variance request which was signed by virtually all owners of property within 200 feet of the subject site.

12. Advisory Neighborhood Commission - 4A, by letter dated October 19, 1981, supported the variance request.

13. There was no opposition to this case.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the variance requested herein is an area variance. A tennis court is a permitted accessory structure in the R-1-A District provided it is located on the same lot as the principle structure. In this case, the accessory structure will be accessory to a structure located on another lot. If the tennis court were not to be strictly an accessory structure, then this



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.