

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13595, of Brian R. and Charlotte P. Furness, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to an existing flat which now exceeds the lot occupancy limitations (Paragraph 7101.21) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) for a proposed addition to a non-conforming structure in an R-4 District at the premises 441 - 2nd Street, S.E., (Square 735, Lot 70).

HEARING DATE: November 10, 1981

DECISION DATE: November 10, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the west side of 2nd Street between North Carolina Avenue, and E Street, S.E.
2. The subject property is twenty-three feet wide. It is 36.34 feet deep along its north side lot line and 55.34 feet deep along the south side lot line. The property has an area of 1,118 square feet.
3. A public alley abuts the subject site at the rear. That alley is generally ten feet wide, but it widens to fifteen feet adjacent to the subject site.
4. The subject property is improved with a two story plus basement brick structure which occupies the full width of the lot. The structure is presently used as a single family dwelling. As part of planned renovations, the structure would be converted to a flat.
5. The applicant proposes to expand an existing garage located in the basement of the house. The existing garage is twenty feet deep and eight feet, nine inches wide. The applicant proposes to widen the garage to twelve feet, six inches. This expansion increases the lot occupancy by 34.38 square feet.
6. The R-4 District permits a maximum lot occupancy of sixty percent for rowhouses and flats, or 670.8 square feet for this lot. The existing building occupies 777.02 square feet, and is non-conforming with respect to lot occupancy. The building with the addition would occupy 811.40 square feet. A variance of 140.6 square feet is requested.
7. The width of the present garage is inadequate to accommodate present size vehicles.
8. No addition could be constructed without requiring a variance.

9. Advisory Neighborhood Commission - 6B did not submit a written report on the application.

10. The Planning and Zoning Committee of ANC 6B, by letter dated November 9, 1981, supported the application. The Committee found a practical difficulty in the property in that the present garage is unusable. The Committee found that relief could be granted without detriment to the public good and without impairing the intent, purpose and integrity of the zone plans. The Board concurs with the findings of the Committee.

11. The Board of the Capitol Hill Restoration Society, by letter dated November 9, 1981, supported the application. The Society found that the existing garage is inadequate and is smaller than the minimum size of a parking space required by the Zoning Regulations. The Society found that strict application of the regulations would result in peculiar and exceptional practical difficulties to the owners. The Society found that the variances can be granted without detriment to the public good. The BZA concurs with the findings of the Society.

12. The owner of property at 144 E Street, by letter dated October 22, 1981, requested that the application be denied. The letter cited problems regarding use of the back portion of the lot at 144 E Street, and concerns with "fire coverage" caused by over occupancy of the subject lot. The owner was not present at the public hearing.

13. The Board finds that approval of the subject application would have no adverse impact on the property at 144 E Street. The addition is entirely on the subject property, is well removed from the lot at 144 E Street, and would not encroach on the alley at all.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the small size of the existing garage is an exceptional condition that causes a practical difficulty to the owners. The strict application of the regulations would preclude the owners from building any addition to the property and render the garage unusable. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 3-0 (Walter B. Lewis, Charles R. Norris and Connie Fortune to GRANT;
William F. McIntosh and Douglas J. Patton not present, not voting).

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: JAN 19 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.