

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13637 of Rutherford B. Mayo, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an accessory building to exceed one story or fifteen feet in height for a proposed new accessory garage with storage of tools on the first floor and electric train room (hobby) on second floor in an R-3 District at the premises 2933 Stanton Road, S.E., (Square 5873, Lots 895 and 920).

HEARING DATE: January 13, 1982
DECISION DATE: February 3, 1982

FINDINGS OF FACT

1. The subject property is located in an R-3 District on the northwest corner of the intersection of Stanton and Elvans Roads, S.E.
2. The subject property is roughly rectangular in shape, and contains an area of over 10,300 square feet.
3. The subject property is improved with a one story, frame, detached single-family dwelling.
4. The applicant has constructed a two story cinderblock garage at the rear of the dwelling. The garage is ninety per cent completed. The applicant incorrectly assumed that he could build the garage without a building permit. He was advised by a District of Columbia inspector to stop work on the project and apply for a building permit. He did so, and this application resulted.
5. There was a previously existing garage of frame construction covered with tin in the same location as the garage at issue. The previous garage was demolished and reconstructed piece by piece by the applicant.
6. The present garage is nineteen feet in height and contains two stories. The Regulations permit an accessory building in an R-3 District to be no more than one story and fifteen feet in height. The applicant therefore requires a variance of one story and four feet.
7. The first floor of the garage would house one car, storage and a workshop. The second floor would be used for a model electric train room.

8. The garage is well removed from all property lines. It is over twelve feet from the north side lot line, more than thirty feet from the rear and approximately thirty feet from the Elvans Road side of the lot.

9. The lot slopes down from the street, minimizing the impact of the additional height. No adjoining properties would be adversely affected by approval of the variance.

10. The existing dwelling is small, containing less than 700 square feet of floor area. The garage with storage and recreation areas helps provide additional amenities for the house.

11. There was no report from Advisory Neighborhood Commission 8A.

12. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, 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 large size of the lot, the inadvertant construction of the garage, the shape of the lot and the small size of the existing dwelling, when combined, creates an exceptional condition of this property. The Board concludes that strict application of the Regulations would cause practical difficulties for the owner, in requiring the almost completed construction to be torn down and in denying reasonable additional living space on the lot. 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: 5-0 (William F. McIntosh, Connie Fortune, Charles R. Norris, John G. Parsons and Douglas J. Patton to grant).

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 14 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.