

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13645, of Milton and Dana Grossman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the requirements that an accessory structure not occupy more than fifty percent of a required rear yard (Section 1202) for a proposed rear deck addition to an existing row dwelling in an R-3 District at the premises 2233 Hall Place, N.W., (Square 1300, Lot 366).

HEARING DATE: January 20, 1982
DECISION DATE: February 3, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-3 District at the east side of Hall Place between Wisconsin Avenue and W Street, N.W.

2. The subject property is twenty-two feet wide and 84.94 feet deep. It has an area of 1,868.68 square feet. There is a fifteen foot alley adjacent to the property at the rear:

3. The subject property is improved with a row dwelling. The dwelling has two stories and a basement, and slopes slightly down from front to rear.

4. The property has an existing rear yard of approximately twenty-eight feet. There is an existing sixteen foot wide garage located off of the alley.

5. The applicants are constructing a small breakfast room extension at the rear of the first floor of the dwelling. Such extension is permitted as a matter-of-right. The rear yard left would be 24.32 feet, in excess of the twenty foot minimum yard required.

6. The applicants propose to construct a wood deck to occupy the entire rear yard, and would cover the area now occupied by the garage. Such deck would be approximately thirty inches off the ground, except for the garage area, and would not be counted in the computation of lot occupancy.

7. By definition, no more than fifty percent of a required rear yard may be covered with a building or structure. The applicants seek a variance to cover the entire rear yard.

8. The level of the deck would still be below the level of the rear yard of the adjoining properties to the north and south.

9. If the variance is not granted, the deck would have to be terminated 6.5 feet from the alley line, and the resulting usable area of the deck would be very small. There would also be no practical use for the 6.5 foot strip, as it is at a different elevation than the house and deck.

10. There are letters in the record from owners of many of the surrounding properties, stating no objections to the application. The owners of the two abutting properties submitted letters stating no objection.

11. The Glover Park Citizens Association submitted a letter stating no objection to the application.

12. There was no report from Advisory Neighborhood Commission 3B.

13. There was no opposition to the application at the public hearing or in the record.

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 difference in elevation between the level of the alley and rear yard and the house is an exception condition. The Board further concludes that denial of the application would cause practical difficulties for the applicants by rendering virtually unusable the rear 6.5 foot portion of 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. 4-0 (Douglas J. Patton, William F. McIntosh, Connie Fortune and Charles R. Norris to GRANT; 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
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.