

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13655 of Jerry L. and Judith L. Shulman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) for a proposed addition to an existing detached dwelling in an R-1-A District at the premises 2843 Allendale Place, N.W., (Square 2251, Lot 31).

HEARING DATE: January 27, 1982

DECISION DATE: January 27, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject application was on the preliminary calendar for the public hearing of January 27, 1982. The Affidavit of Posting filed in the record evidenced that the property was posted nine days before the public hearing instead of ten days as required by the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment. The applicant testified that he intended to pick up the sign for posting on Thursday, January 14, 1982, but that the office was closed due to inclement weather. The following day the office was closed due to a holiday. He picked the sign up on Monday, January 18, 1982 and posted it the same day. The Chairman ruled to waive the ten-day posting requirement for good cause shown.

2. The subject property is located on a cul-de-sac on the north side of Allendale Place, N.W. to the east of Linnean Avenue and is known as premises 2843 Allendale Place, N.W. The property is R-1-A.

3. The R-1-A District requires a minimum lot area of 7,500 square feet and a lot width of seventy-five feet. The subject property has a lot area of 11,010 square feet and a lot width which averages 69.84 feet. The lot is irregularly shaped, with a lot width ranging from 63.5 feet at the front of the dwelling to seventy feet at the rear of the dwelling.

4. The subject property is developed with a single family detached dwelling which was built in 1936. The immediately adjoining properties, as well as the neighborhood generally, are developed with one-family detached dwellings.

5. The applicants propose to construct a one-story side addition to expand an existing kitchen in order to

provide additional eating space in the house. In addition the applicants propose to construct an open walkway from the north end of the kitchen expansion along the west wall of the existing dwelling and to construct an open deck running from the northwest corner of the dwelling to the west side of the porch currently existing at the center of the north wall of the dwelling. The applicant testified that the kitchen presently provides seating space for three people and the family now has four members.

6. The R-1-A District requires a minimum side yard of eight feet. The applicant proposes to construct the one-story side addition on the west side of the existing dwelling. The dwelling currently has a side yard on the west side ranging from 10.4 to 14.42 feet. The proposed addition will reduce the provided side yard to a minimum of four feet, expanding gradually to the required eight feet. Therefore, a variance of four feet is required.

7. At the public hearing, the applicant testified that the narrowness of the lot and the setting of the house on the lot so as to bring it closer to the west side of the property line create a practical difficulty that pre-dates the Zoning Regulations. The applicant also testified that he has consulted three architects looking for alternatives which would not require a variance and has found that there is no other viable way in which to enlarge the kitchen. The Board so finds.

8. The adjoining property to the west, located at 2847 Allendale Place, N.W., is on a higher grade than the applicants' property. In addition, there is a six foot wood stockade fence separating the adjoining property from that of the applicant. The addition will not block any access to light, air or view of the adjacent property.

9. By letter dated August 18, 1981, the owners of the adjoining property to the west indicated that they have seen the applicants' plans for the proposed addition and that they have no objection to the granting of this application.

10. There was no recommendation from Advisory Neighborhood Commission 3F on this application.

11. There was no opposition to the granting of this application at the public hearing or the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty in developing the property under strict compliance with the Regulations. The

Board concludes that the narrow width of the lot and the location of the existing dwelling on the property create a practical difficulty for the applicant. The Board concludes that the side addition is so located and of such size that there will be no adverse impact to the adjoining property. The Board further 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 (John G. Parsons, William F. McIntosh, Connie Fortune and Charles R. Norris to grant; Douglas J. Patton not present, not voting).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 28 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.