

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13711, of John F. Chagnon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7101.21), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) for a proposed addition to a semi-detached dwelling which is a non-conforming structure in an R-4 District at the premises 718 - 19th Street, N.E., (Square 4513, Lot 41).

HEARING DATE: March 17, 1982
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The site is located on the west side of 19th Street between Gales Street and Benning Road and is known as premises 718 19th Street, N.E. It is in an R-4 District.
2. The site is rectangular in shape with a lot area of 1,276 square feet. The site is improved with a two story brick semi-detached residence with basement which is presently vacant. There is a public alley to the south of the site. The structure was in existence prior to May 12, 1958, the effective date of the current Zoning Regulations.
3. The applicant purchased the subject property on January 18, 1978. Two days after the settlement, the entire two story rear stucco addition was torn down, unbeknown to the applicant, by the D.C. Board for Condemnation of Insanitary Buildings.
4. The condemned rear addition contained the bathroom, plumbing and main stack for the premises. The existing structure now contains one bedroom and no plumbing facilities.
5. The applicant now proposes to replace the entire rear addition that was torn down.
6. The subject site is non-conforming. The R-4 District requires a lot area of 3,000 square feet for a semi-detached dwelling. The site provides 1,276 square feet. A lot width of thirty feet is required, with twenty-two feet provided. A rear yard of twenty feet is

required. With the proposed addition, thirteen feet will be provided. A lot occupancy of forty percent is permitted. Including the proposed addition, fifty-three percent will be provided.

7. The rear addition proposed is sixteen feet deep and thirteen feet wide. The former addition measured eighteen feet by twelve feet, some eight feet larger than the proposed addition.

8. A resident owner of the premises two houses removed to the north of the subject site, testified at the public hearing. The owner was not opposed to the proposed addition. She had concerns about the water that was allowed to accumulate in the excavation to the rear of the site and the smell that emanated from the water, to a sudden lack of heat in her home since the rear addition had been eliminated and to the accumulation of dirt that barred her from the rear access to the three foot rear alley where she deposits her garbage for pick-up. The blocking of her egress forced her to carry her trash through her rooms to use the front entrance of her home and walk around to and through the public alley to the south to the rear alley.

9. The applicant testified that in the series of row houses to the north of the site there is no party wall from the ground up through the roof and that under the roof there is a three foot crawl space. Through this crawl space, one can look through the entire row of houses. When the applicant removed the plaster from the crawl space leading to the adjacent dwelling to the north, a draft was created that entered the neighbor's home. The applicant further testified that the water keeps accumulating in the hole where the addition originally stood because of the rain and also that the rain had washed dirt into the three foot alley and it has accumulated. The applicant, when admonished by the Board, advised that he will clear up these concerns immediately.

10. The Board directed the staff to request from the Administrator of the Building and Zoning Regulations Administration an appropriate comprehensive inspection for code violations on the subject property of the building, house and fire regulations. By memorandum dated April 6, 1982, the BZRA reported that the owner has secured a permit to repair the interior of the building under permit No. B286255 issued on August 17, 1981. Inspections have been conducted by Mr. Otis Harrison, Building Inspector, who reports that the wall between 718 19th Street, N.W., and the building to the north is constructed of 4" wood studs, 1" wood lath and plaster on each side. This wall was constructed under old codes and regulations and it must be assumed that approvals were given at that time. However, due to the construction of an addition, which increases the

fire area of the building, the owner will be required to remove the wood lath and plaster on his side of the party wall and replace it with incombustible insulation between the studs, firestopped at each floor and place two layers of 5/8" drywall (fire code) on the studs. This construction must be placed from the first floor to the underside of the roof sheathing.

11. The Board also directed the staff to request of the Board for Condemnation of Insanitary Buildings a report of its contacts with the subject property. On March 29, 1982, this Board reported that on May 10, 1976, it submitted a schedule of deficiencies and insanitary conditions existing on the site to the then owners (Case No. 76-304). The deficiencies were not eliminated. On July 7, 1976 a notice to show cause why the building should not be condemned was served on the owner. An Order of Condemnation was signed August 4, 1976. The District of Columbia then caused said building to be rendered sanitary. The memorandum gave no specifics as to the 1978 tearing down of the rear addition other than it measured approximately twelve feet by eighteen feet (Exhibit No. 26).

12. Advisory Neighborhood Commission 6A made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires evidence of a practical difficulty that is inherent in the property. The Board notes that the subject structure predated May 12, 1958 at which date the site and structure became non-conforming. The applicant is basically replacing what existed before and with a less non-conforming addition that the one that had been torn down. The Board further notes that the completion of the addition will alleviate an eye sore in the neighborhood. The Board concludes that the practical difficulty does exist. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED. The applicant is further reminded by the Board to attend to the concerns of the neighboring properties as to cleaning-up and maintenance of the subject site and its environs.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Connie Fortune, Walter B. Lewis and Charles R. Norris 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: JUL 29 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.