

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13813, of Donald L. Witz and Yoo K. Kim, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) for a proposed rear addition to a row dwelling in an R-4 District at the premises 302 10th Street, S.E., (Square 970, Lot 15).

HEARING DATE: September 8, 1982
DECISION DATE: October 6, 1982

FINDINGS OF FACT:

1. The subject property is located on the east side of Tenth Street, S.E., between C Street and South Carolina Avenue, S.E. The property is located in an R-4 District and is described as premises 302 Tenth Street, S.E.

2. The site is improved with a dwelling which was constructed prior to 1900. It has two stories and is occupied as a single family residence. The site is rectangular in shape and is flat.

3. The property is attached on the north to a two story row dwelling which occupies 100 per cent of the lot. To the east extending the length of the rear lot line is a brick wall approximately 6.5 feet high, which is adjacent to a five foot public alley. Across this alley is the side of a two story brick row dwelling with frontage on C Street and which extends to the south beyond the subject property. To the south, the subject property is adjoined by a row dwelling of similar height and bulk. A brick wall approximately 6.5 feet high, extends along the subject property's southern lot line from the rear of the structure to the rear property line.

4. The applicants seek approval of the construction of a rear one-story roof overhang for the full width of the existing structure and which would extend eleven feet into the rear yard. An existing wisteria arbor will be replaced by the proposed roof overhang.

5. The proposed roof addition will be of wood framed construction with shingles at a height of approximately nine feet. No walls are proposed to be constructed to enclose or support the roof addition. A brick pier will be constructed on top of the existing brick wall for support. Other

support for the overhang will be connection to existing walls. A ceiling fan and lighting fixtures are to be installed.

6. A previous request of the applicant for approval of the construction of a second story rear porch at the subject site was denied by the Board in BZA Order No. 13672, dated July 6, 1982. The prior application differs from the present application in that the present request is for a one story roof overhang without being enclosed by walls.

7. The applicants testified that the roof overhang is needed to provide shade and privacy to the rear yard. The applicants are unable to enjoy the rear yard since it is exposed to the sun because of its orientation and is virtually enclosed on three sides, west, north and east, by heights of two stories and a 6.5 foot high wall to the south, all of which prevent natural air circulation.

8. The applicants provided a study which determined that because of the location of the rear yard and its relation to surrounding structures, the rear yard was not suitable for present day, intown outdoor residential purposes. The study concluded that the rear yard of the subject property would experience natural air circulation at ground level of one-fifth that of other rear yards to the south.

9. The applicants submitted a signed petition of approximately fifty residents in the neighborhood in support of the proposed application.

10. The subject lot is non-conforming as regards the lot area and width requirements of the R-4 District. The required minimum lot area is 1,800 square feet. A lot area of 1,280 square feet is provided. The required minimum lot width is eighteen feet. A lot area of sixteen feet is provided.

11. The maximum lot occupancy permitted is sixty per cent or 768 square feet. That area is presently occupied. The proposed addition will provide an additional 176 square feet, requiring a variance of that amount or twenty-three per cent.

12. The existing rear yard is approximately thirty-two feet in depth. The addition will extend eleven feet into the rear yard, leaving a conforming twenty-one foot rear yard.

13. Advisory Neighborhood Commission 6B, by letter dated September 1, 1982, stated its support of the application with the stipulation that the owner come back before the Board if the proposed overhang is to be enclosed.

The ANC reported that it had heard of no opposition. It noted that the owner of the property to the south of the subject site, who had appeared in opposition in the prior application, now did not oppose provided the aforementioned stipulation was included in the Board's Order. The Board concurs in the ANC recommendation. As to the ANC stipulation, the Board finds that what is requested is only what is described in Findings 4 and 5. That is all that is to be approved. Any future modification of decisions of the Board must have the Board's approval.

14. The owner/occupants of the adjoining property to the south, 304 10th Street, by letter dated September 6, 1982, stated that:

- a. They questioned whether a practical difficulty exists, and;
- b. They did not oppose the granting of a variance provided the Board's Order stipulates that the proposed overhang may never be enclosed or otherwise altered in the future.

15. In response to the issue of practical difficulty raised by the adjoining owners of 304 10th Street, the Board finds that there is a practical difficulty inherent in the property due to the exceptional circumstance that the subject rear yard is vertically enclosed by walls with very little exposure for natural air movement. Due to the eastern and southern exposure, the rear yard is subjected to continuous exposure to the sun which adds to the unpleasantness of the rear yard environment. Also, the site is in its lot area and width less than the minimum zoning requirements.

16. The occupant of 308 - 10th Street appeared at the public hearing and testified in support. A resident of 310 10th Street submitted a letter to the file stating that in the subject square and in all adjacent squares, there was only one rear yard having a similar enclosed situation as the applicants'.

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 the showing of a practical difficulty inherent in the property itself. The Board concludes that there are practical difficulties unique to the subject property. The subject structure was constructed prior to the adoption of the current Zoning Regulations. The lot area and width is less than that required in the R-4 District. The rear yard is enclosed on three sides, west, north and east, by

structures of two stories in addition to being bordered at the rear lot line and the southern lot line by a brick wall approximately 6.5 feet high. In addition to the continuous exposure to the sun, this unique circumstance has resulted in an unpleasant rear yard environment particularly during the summer months. The rear addition as proposed would bring some relief to this condition by providing shade and artificial air circulation.

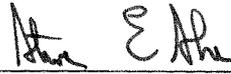
The Board further concludes that the relief requested can be granted without causing substantial detriment to the public good. The proposed roof addition will not impact the light and air of adjoining properties.

The Board is further of the opinion that the relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh 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: JAN 18 1983

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.

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