

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13836 of Jack H. Mower, pursuant to Paragraph 8207.11 of the Zoning Regulation, for a variance from the prohibition against an accessory building exceeding one story or fifteen feet in height (Sub-section 7606.3) for a proposed second floor addition to an existing accessory building in an R-1-B District at the premises 4436 - 48th Street, N.W., (Square 1498, Lot 14).

HEARING DATE: October 20, 1982
DECISION DATE: October 20, 1982 (Bench Decision)

1. The subject application was before the Board as a preliminary matter at the public hearing of October 20, 1982. The property was posted fourteen days instead of the fifteen days required by the Rules. The applicant testified that he just returned from overseas and discovered that his architect had been ill and was unable to post the property. The applicant then obtained the sign from the Zoning Secretariat and posted it the same day. The Chairman waived the thirteen-day posting requirement for good cause shown.

2. The property is located at the southwest corner of the intersection of 48th and Albemarle Streets, N.W. and is known as premises 4436 - 48th Street, N.W. It is zoned R-1-B.

3. The property is presently improved with a brick single family dwelling and an accessory garage.

4. The applicant proposes to build a second story addition to the existing garage for the storage of his personal papers. There will be no heating or plumbing facilities in the addition.

5. The applicant testified that the existing single family dwelling has only a partial basement and little attic space. The applicant testified further that the attic space could not be expanded because of the existing slate roof.

6. The Zoning Regulations allow an accessory structure to be a maximum of fifteen feet in height. With the proposed addition, the subject structure will measure twenty feet in height.

7. During the course of testimony at the public hearing, the applicant and his architect testified as to the need for the proposed addition but were unable to address the issue of practical difficulty necessary to prove the case for the requested area variance. Further testimony by the applicant and the architect evidenced that the possibility of constructing the proposed addition within the confines of the permitted height was not adequately explored.

8. Advisory Neighborhood Commission 3E, by letter dated September 20, 1982, offered no objection to the granting of the subject application.

9. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 that is inherent in the property itself and 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. The Board concludes that the applicant has not met the required burden of proof. Further, the Board concludes that the applicant may modify the plans for the addition which may bring the structure into compliance with the Zoning Regulations and require no variance. If the revised plans still indicate a need for area variance relief, the applicant may file a new application before the Board which will be processed in the normal manner. Accordingly, it is ordered that the application is DISMISSED.

VOTE: 5-0 (Douglas J. Patton, Connie Fortune, William F. McIntosh, Maybelle Taylor Bennett and Charles R. Norris to dismiss).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

DEC - 8 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."

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