GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13842, of El Jamila N.V., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to an accessory building which now exceeds the allowable height (Paragraph 7107.21) to permit additions to and the conversion of a carriage house to an enclosed swimming pool in an R-1-B District at the premises 1669 31st Street, N.W., (Square 1282, Lot 820).

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

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the east side of 31st Street between Avon Lane and R Street N.W. at premises known as 1669 31st Street, N.W.

2. The subject property is improved with a single family detached dwelling, built in the 1860's.

3. There is an existing two-story accessory building located at the southeast corner of the property. The building is approximately twenty-two by twenty-six feet in size, and has a small one-story shed on its south side. The first floor of the carriage house was used as a garage.

4. The applicant proposes to renovate and expand the existing carriage house for use as an enclosed swimming pool and accessory storage. The applicant proposes to add a glassed-in addition to the north side of the building and to replace the existing shed on the south side with a new equipment storage area.

5. The existing building will be altered to remove a portion of the second floor. What remains of the second floor will become a mezzanine under the Zoning Regulations and is not considered a story for the purpose of computing the number of stories. The building will thus be converted to a one story building.

6. The applicant will construct a separate new garage to the north of the enclosed swimming pool. The garage is a separate structure requiring no Board of Zoning Adjustment relief.

7. The maximum permissible height of an accessory structure in the R-1-B District is twenty feet, under Sub-section 7601.3 of the Zoning Regulations. The existing structure is and will remain twenty-four feet in height.

8. The variance from Paragraph 7107.21 is required because the carriage house is a non-conforming structure in that it presently exceeds by four feet the maximum permissible height for accessory structures in the R-1-B District.

9. The additions to the subject building conform in all respect to the Zoning Regulations. The additions are eleven and seven feet in height. The requested relief will not increase the degree of nonconformity of the structure.

10. If the existing carriage house were demolished and reconstructed to the permissible height, or if the top portion of the structure were removed, no variance relief would be required for this proposal.

11. The strict application of the Zoning Regulations in this case would impose practical difficulties upon this property owner. The proposed use is a customary incidental accessory use permitted as of right under Paragraph 3101.56 of the Zoning Regulations. Denial of relief would require that the owner either demolish the entire existing structure and build a new structure at a lower height, in order to accommodate the enclosed pool, or, in the alternative, to remove the top portion of the existing carriage house. Removal of the top portion of the existing structure would distort its appearance and compromise the integrity of its design.

12. The property is located in the Georgetown Historic District. The proposal has been submitted to the Commission of Fine Arts. The Commission has given preliminary approval, pending relief by this Board.

13. The requested relief will have no adverse impact upon the public. The project involves an addition to a carriage house in the rear of the property which is nonconforming as to height. The additions to the existing structure will not adversely affect any view from 31st Street, due to the topography of the neighborhood, and to present and proposed screening. The subject property slopes down in the backyard from both the front and north sides. The area is heavily treed. To the south is the multistory Dumbarton Court apartment building. A stockade fence between the subject property and the Dumbarton Court building will be replaced with a seven foot high brick wall. To the rear is an open area which is the rear yard of the Home for the Blind.

14. The Office of Planning and Development, by memorandum dated October 13, 1982, and by testimony at the public hearing, recommended that the application be approved. The OPD believed that the renovation and addition to the existing carriage house was more desirable than the lowering of the carriage house height for compliance with the Zoning Regulations. The OPD was of the opinion that the granting of this area variance would not result in adverse area impacts and the area variance will not impair the intent, purpose, and integrity of the zone plan. The Office of Planning and Development was of the opinion that the applicant has shown a practical difficulty as required by Paragraph 8207.11 of the Zoning Regulations and that the variance could be granted without an adverse impact on the area or without impairing the intent, purpose, and integrity of the R-1-B District. The Board concurs with the findings and recommendation of the OPD.

15. There was no report received in the record from Advisory Neighborhood Commission 3A.

16. 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 subject site is affected by an extraordinary or exceptional situation or condition. The existing non-conforming carriage house was built in the mid 1860's and predates the existing Zoning Regulations by over ninety years. The existing structure exceeds the maximum permissible height limit for accessory structures in the R-1-B District by four feet.

The Board further concludes that a strict application of the regulations in this case would impose practical difficulties on the owner. The proposed use is a customary incidental accessory use permitted as of right under Paragraph 3101.56 of the regulations. A strict application of the Regulations would require the applicant to remove the top portion of the existing structure, or demolish the existing structure and rebuild an enclosed swimming pool to the permissible height.

Finally, the Board concludes that the relief can be granted without substantially detriment to the public good and without substantially impairing the intent, purpose or integrity of the Zoning Regulations. The proposed additions will not be visible from the street due to existing and

proposed screening, and due to the topography of the area. Variance relief will not increase the degree of nonconformity of the structure. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Douglas J. Patton, Maybelle Taylor Bennett, Connie Fortune 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: FEB - 4 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.

13842order/JANE10