

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13899, of Barbara Williams, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to permit an addition to a dwelling, which is part of a community house, in an R-2 District at premises 1935 T Place, S.E., (Square 5618, Lot 35).

HEARING DATE: January 19, 1983
DECISION DATE: January 19, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of T Place between 18th and 22nd Streets, S.E. and is known as premises 1935 T Place, S.E. It is zoned R-2.
2. The subject property is developed with a three story brick single-family dwelling which is the center dwelling in a community house.
3. The subject property is rectangular in shape and the topography is basically level.
4. The subject property is non-conforming as to the area and width requirements of the Zoning Regulations for a dwelling in an R-2 District. The Zoning Regulations require a minimum lot area of 4,000 square feet and a minimum lot width of forty feet. The lot area of the subject property is 1,710 square feet and the lot is eighteen feet in width.
5. The subject single family dwelling is also non-conforming as to the side yard requirements. The dwelling is attached on either side to similar single family dwellings and has no side yards. The Zoning Regulations require a minimum side yard of eight feet in the R-2 District.
6. The applicant proposes to construct a three story addition to the rear of the existing dwelling. The existing dwelling has two bedrooms. The applicant testified that at the time the dwelling was purchased, she was single and lived alone. Since that time the applicant has married and now has two children. The proposed addition will provide for an additional bedroom and increase the living space within the dwelling.

7. The allowable lot occupancy in the R-2 District is forty percent, which would allow a total building area of 684 square feet. The existing dwelling with the proposed addition will total 621 square feet. Therefore, no variance from the lot occupancy requirements is necessary.

8. The proposed addition will replace an existing rear porch and extend sixteen feet into the rear yard. The rear wall of the addition will be twenty-seven feet from the alley to the rear of the property. The side walls of the proposed addition will be in line with the side walls of the existing dwelling. No side yards will be provided.

9. If the applicant were to provide the two eight foot side yards required by the Zoning Regulations, the addition would be limited to two feet in width.

10. There is no reasonable way to provide the necessary additional space for the dwelling other than to the rear as proposed by the applicant.

11. The owner of the adjacent dwelling to the east, Mr. Willie Johnson appeared at the public hearing and offered no objection to the proposed addition. Mr. Johnson testified that he presently has a similar addition to his dwelling and the proposed addition will not block the view, light or air to his property.

12. Advisory Neighborhood Commission 6C made no recommendation on this application.

13. 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 area variances, 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 non-conforming size of the lot and the existing non-conforming dwelling which pre-dates the 1958 Zoning Regulations constitutes an exceptional condition of the property. The Board further concludes that the applicant has demonstrated that she would suffer a practical difficulty if the Zoning Regulations were strictly applied.

The Board concludes that the testimony and documentary evidence in the record evidences that the proposed addition

will not be objectionable and will not be inconsistent with the intent and purposes of the regulations. The Board 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 (Carrie L. Thornhill, John G. Parsons, William F. McIntosh and Douglas J. Patton to grant; Charles R. Norris not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 11 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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