

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13903, of James Hillian, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for a proposed rear addition to a single family row dwelling in an R-3 District at premises 3347 Dix Street, N.E., (Square 5002, Lot 82).

HEARING DATE: January 26, 1983  
DECISION DATE: March 2, 1983

FINDINGS OF FACT:

1. The subject property is located on the south side of Dix Street between Anacostia Avenue and 34th Street, N.E. and is known as premises 3347 Dix Street, N.E. It is zoned R-3.

2. The subject site is rectangular in shape and is approximately 1,152 square feet in area.

3. The subject site is developed with a two-story brick row dwelling. The existing dwelling contains only approximately 830 square feet of floor area.

4. The applicant proposes to construct a two-story addition to the rear of the existing dwelling. The proposed addition will contain a bedroom and a family room, and will expand the size of the house by 285 square feet.

5. The existing dwelling contains two bedrooms and no basement. The applicant's family presently includes his wife, two sons and a daughter and he cannot afford to purchase a new dwelling. The proposed addition would provide a needed bedroom and family room. The proposed addition would also have space for the heating and hot water tank and the washer and dryer.

6. The R-3 District requires a minimum lot area of 2,000 square feet and a minimum lot width of twenty feet. The subject lot is presently non-conforming as to lot area, containing only 1,152 square feet and lot width, being only sixteen feet wide. The lot is also only seventy-two feet deep.

7. The subject building presently has a rear yard of twenty-eight feet. The addition will extend twelve feet to

the rear of the existing house, reducing the rear yard to only sixteen feet. A variance of four feet is required.

8. The maximum allowable lot occupancy is sixty percent or 691 square feet. The existing building occupies 416 square feet. The lot occupancy of the structure with the proposed addition would be 608 square feet.

9. There is a fifteen foot building restriction line at the front of the lot. The house is further set back three additional feet from the street.

10. The sixteen foot width and seventy-two foot depth of the subject site, and the existence of the building restriction line, create a practical difficulty for the owner. If the lot met the minimum area requirements of the R-3 District, a width of twenty feet and a depth of 100 feet and had no restriction line at the front, no variance from the rear yard requirement would be necessary to accommodate a reasonably sized addition to the building.

11. There are several dwellings in the same square as the subject structure with rear additions that encroach upon the required rear yards for approximately the same depth as the proposed addition. These existing additions appear to have created no adverse effects.

12. The applicant's architectural designer testified that alternative methods of enlarging the structure were considered, but were rejected as impractical. Excavation beneath the dwelling is impractical and expensive due to the slab-on-grade configuration of the existing structure and the possibility of breaching the invert height of the sewer system. A third-story addition would also be impractical because it would be out of character with the existing two-story row houses in the immediate area. The Board so finds.

13. The record contains letters in support of the requested variance signed by six neighbors of the subject property. The neighbors stated that there will be no appreciable adverse affect on light and air created by the proposed addition. The Board so finds.

15. Advisory Neighborhood Commission 7A made no recommendation on this application.

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 a showing of a practical difficulty which is inherent in the property itself. The Board concludes that the shallowness

and narrowness of the lot and location of the existing dwelling on the property create a practical difficulty for the applicant. The Board concludes that the proposed addition is so located and of such size that there will be no adverse impact to adjoining properties. The Board further 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 Map. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-1 (Carrie L. Thornhill, Douglas J. Patton, William F. McIntosh and Charles R. Norris to GRANT; Walter B. Lewis opposed to the Motion by PROXY).

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

JUN 28 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.

13903order/JANE14