

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14015, of John C. and Cheryl D. Hayes, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) for a proposed one story addition to a single family detached dwelling in an R-1-A District at premises 4347 Forest Lane, N.W., (Square 1619, Lot 76).

HEARING DATE: September 14, 1983
DECISION DATE: October 5, 1983

FINDINGS OF FACT:

1. The subject premises is located on the north side of Forest Lane, N.W. between 44th and 43rd Streets. The site is in an R-1-A District and is known as premises 4347 Forest Lane, N.W.
2. The subject site is rectangular in shape. Its dimensions are sixty-five feet on the north and south sides and 125 feet on the east and west sides. It has an area of 8,125 square feet.
3. The site is improved with a single family detached dwelling, a patio adjacent to the dwelling on the rear and a garage located at the rear of the lot. The dwelling is a two story stucco structure.
4. There is access to the subject structure via Forest Lane on the south. There is no alley access. Forest Lane ends in a cul-de-sac to the east of the subject site and has its only exit at 44th Street on the west.
5. The subject square is developed with nineteen single-family detached dwellings. Thirteen of these dwellings front on Forest Lane in the interior of the square. Six of the dwellings front on Garfield Street to the north. The average size and shape of lots in the subject square and the surrounding squares are similar to the size and shape of the subject lot.
6. The subject neighborhood is zoned R-1-A on all four sides of the subject square. There are R-1-B Districts located three blocks to the north and seven blocks to the south. Two blocks to the east there is an R-5-A District. The subject area is developed primarily with single family detached homes. The other uses in the subject area include

Glover-Archibold Park to the south and east, American University to the northwest and Georgetown University to the south. The environment is one of open space and low density.

7. The subject property is currently occupied as a single family dwelling with five residents including the applicants' three children. The first floor of the subject dwelling provides five rooms of living space, including a kitchen which is located at the northwest corner of the structure. The kitchen has a width of eight feet from east to west and provides three feet of floor space due to the location of the counter, stove, and sink. The applicants propose to construct an addition on the northwest corner of the house that would expand the kitchen eight feet to the west and provide a family room on the north.

8. There are at present conforming side yards on the east and west of the subject structure and a conforming rear yard on the north. The proposed addition would leave a rear yard of 50.48 feet, more than double the required depth for a rear yard. The proposed addition would reduce the yard on the west side of the structure to 3.74 feet in width and would require a variance of 4.26 feet or 53.25 percent of the required eight feet in width. The applicant seeks a variance from the requirements of Sub-section 3305.1 of the Zoning Regulations.

9. The Board of Zoning Adjustment has the power to grant variances under Paragraph 8207.11 of the Zoning Regulations. Paragraph 8207.11 provides:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such 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.

10. The applicants argued that the narrow east-west dimension of the kitchen rendered the space inadequate for use by a family of five and that the logical direction in which to expand the kitchen is to the west, because the kitchen is located on the west side of the house.

11. The applicants argued that expansion to the north with no westward expansion would create a long narrow space that would be equally as unusable as the existing space. The applicants further argued that relocation of the kitchen to another portion of the house would require the installation of water, gas and plumbing at a prohibitive expense. The applicants further argued that expanding to the east would reduce the dining room to an unusable size and expansion across the rear of the house would eliminate the existing patio.

12. An interior rearrangement of the room locations to expand the kitchen to the east and locate the dining room and family room in a rear addition to the north would require relocation of the existing patio further to the north. Such a solution can be accomplished without the need for a variance.

13. Two letters of support were received from neighbors, including the neighbor immediately adjacent to the proposed addition. The neighbors stated that such an addition would not be objectionable to them. It was their opinion that the applicants' growing family had a need for the addition. The letters did not address the variance issue.

14. Advisory Neighborhood Commission 3D made no report or recommendation on this application.

15. There was no opposition to the application at the 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 applicants are seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape, or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicants have not met this burden of proof in showing a practical difficulty inherent in the property. There is no unique or exceptional condition of the property. The subject lot is rectangular in shape and similar in size and shape to surrounding lots. There is no practical difficulty in constructing a conforming addition to the rear or north of the property. Relocation of the patio and interior rearrangement of rooms,

while inconvenient to the applicants, do not constitute a practical difficulty in the sense defined by the Zoning Regulations. The applicants' reliance upon the size of their family is misplaced, in that such a reason is personal to the applicants and does not arise out of the property.

The Board further concludes that granting this area variance to reduce a side yard by 53.25 percent in an R-1-A District cannot be done without substantial detriment to the public good and substantial impairment to the intent and purpose of the zone plan. Accordingly, it is hereby ORDERED that the application is DENIED.

VOTE: 3-2 (Douglas J. Patton, Maybelle T. Bennett and William F. McIntosh to deny; Carrie L. Thornhill and Charles R. Norris opposed to the motion).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JAN 18 1984

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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