

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14063 of Raymond and Marie Singletary, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a rear addition to a single family semi-detached dwelling in an R-2 District at premises 505 Oglethorpe Street, N.W., (Square 3202, Lot 213).

HEARING DATE: November 9, 1983
DECISION DATE: December 12, 1983

FINDINGS OF FACT:

1. The subject application was considered as a preliminary matter at the public hearing of November 9, 1983. The applicant failed to comply with Section 302.3 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment. That section requires that the property be posted with notice of the hearing at least fifteen days prior to the public hearing. The subject property was posted twelve days prior to the subject hearing due to an oversight on the part of the applicant. There was no opposition to the application present at the public hearing. The Chairman waived the fifteen day posting requirement and ruled that the case be heard as scheduled.
2. The subject property is located on the north side of Oglethorpe Street between 5th and 7th Streets and is known as premises 505 Oglethorpe Street, N.W. It is zoned R-2.
3. The subject property is basically level and rectangular in shape. The property is 30.33 feet wide and 88.25 feet deep. It has a lot area of 2,676.62 square feet.
4. The subject property is improved with a two story plus basement, single family semi-detached dwelling.
5. The applicants propose to construct an enclosed patio at the rear of the existing dwelling.
6. The subject property, as currently developed, provides a twenty-five foot rear yard. The Zoning Regulations for the R-2 District require a minimum rear yard of twenty feet.

7. The 2,676.62 square feet of lot area of the subject property is less than the minimum 3,000 square foot lot area required by the Regulations for the R-2 District. However, the subject property presently complies with the minimum lot width, lot occupancy, rear yard and side yard requirements prescribed for the R-2 District.

8. The proposed patio enclosure will extend twelve feet into the existing rear yard. The rear yard provided if the proposed construction is approved will be thirteen feet. A variance from the minimum rear yard requirements of seven feet or approximately thirty-five percent is therefore required.

9. The applicants testified that the proposed patio enclosure can be open during the warm months and completely enclosed during the cold months to provide year-round use of the patio area.

10. The applicants could extend the existing structure into the existing rear yard for a depth of five feet or two feet into the existing ten foot side yard as a matter-of-right without BZA approval. The applicants testified that the development allowed as a matter of right was insufficient to provide space for outdoor seating. The applicants did not explore any alternative design proposals with their contractor which would not require variance relief.

11. The applicants testified that the development in the immediate area consisted of dwellings similar to the subject structure. The applicants further testified that several patio enclosures have been built in the neighborhood, but that they were located on lots larger than the subject property.

12. The applicants presented no evidence or testimony that the subject site is affected by an exceptional or extraordinary situation or condition.

13. The applicants presented no evidence or testimony that they would suffer a practical difficulty if the Zoning Regulations were strictly applied and the addition could not be constructed as proposed.

14. Advisory Neighborhood Commission 4B, by letter dated October 13, 1983, advised that it voted to support the granting of the subject application. No reasons for such support were enumerated.

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

CONCLUSIONS OF LAW AND OPINION:

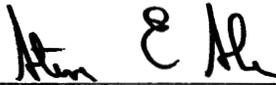
Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicants are seeking an area variance, the granting of which requires a showing of an exceptional or extraordinary situation or condition of the property which causes a practical difficulty upon the owner which is inherent in the property itself. The Board concludes that no such situation or condition exists, nor is there a practical difficulty for the owner. The reasons for the proposed addition set forth by the applicants are personal and are not grounds for the granting of an area variance. The lot, although small, is basically flat and rectangular. The existing structure conforms to the area requirements of the R-2 District. The granting of the requested relief would result in the creation of a structure which does not comply with the Regulations, for which there is no basis.

The Board further concludes that the variance can not be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the subject application is DENIED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Carrie Thornhill and Douglas J. Patton to deny; Charles R. Norris not present, not voting).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

APR 19 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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