GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14070, of Richard and Mary Briscoe, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) to construct an accessory structure (shed) in an R-4 District at premises 109 P Street, N.W., (Square 552, Lot 188).

HEARING DATE: November 16, 1983
DECISION DATES: December 7, 1983 and January 11, 1984

FINDINGS OF FACT:

1. The subject property is located on the north side of P Street, N.W. between 1st Street on the east and 2nd Street on the west. The site is in an R-4 District and is known as premises 109 P Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are fifteen feet on the north and south sides and 92.417 feet on the east and west sides. It has an area of 1,386.26 square feet.

3. The subject site is improved with a single-family row dwelling. The subject dwelling is a two-story brick structure.

4. There is access to and from the subject property through P Street on the south and through a public alley on the north. The subject alley is part of a T-shaped public alley system which is fifteen feet wide in its east-west branch that is adjacent to the rear of the subject site. The north-south branch is thirty feet wide and enters the interior of the subject block from Bates Street on the north.

5. The subject square consists of four blocks and is developed entirely with row dwellings. The subject dwelings are arranged in four parallel rows that run east to west fronting on both sides of Bates Street, P Street on the south and Q Street on the north. Two additional rows of dwellings face the eastern and western edges of the square on 1st Street and 3rd Street respectively. Interior alley systems provide access to all rear yards in the square. The residents of the subject square frequently use the rear yards for off-street parking because there is a shortage of parking on the neighborhood streets.

6. The subject neighborhood is developed primarily with row dwellings and a few apartment buildings. There is a renovation effort underway in the neighborhood. Nonresidential uses in the area include schools at all levels, primary through secondary, and a cluster of warehouses located two blocks southeast of the subject site. Armstrong Senior High School is located immediately south of the subject site, across P Street. The area is zoned R-4 including the subject square.

7. The applicants purchased the subject property in approximately 1947 and have occupied it since that time as a single-family dwelling. The subject dwelling has a bay window at the front and an unenclosed porch at the rear. The subject porch has its floor constructed approximately three feet above grade. There is a rear entrance to the basement through a three foot wide areaway at the northwest corner of the subject structure. At the east side of the structure there is a 4.7 foot wide walkway that abuts the rear fifty percent of the structure. The walkway open space is a court for zoning purposes. The subject structure is 10.23 feet wide at its rear portion and fifteen feet wide at its front portion. The rear yard is approximately forty feet deep and is enclosed by a seven foot high chain link fence.

8. When the applicants purchased the subject dwelling, there was a garage structure at the rear of the site located adjacent to the rear lot line. The subject garage structure was dilapidated, as were similar garage structures on adjoining lots along the same alley. The applicants and most of their neighbors demolished their garage structures during the late 1940's. A concrete slab remains at the site of the demolished garage on the subject property. The applicant uses the subject concrete slab as an outdoor sitting area. He also practices a hobby of working with carpentry tools and he does this work outdoors on the concrete slab. The slab also provides on-site parking when the applicant is unable to find parking space on neighborhood streets.

9. At the present time the applicant's tools are exposed to the weather when left outside. No shelter is available for the applicant's car when it is parked on-site during bad weather. The applicant and his wife are exposed to rain and sun when sitting outdoors and this limits their use of their rear yard.

10. The applicant proposes to construct an unenclosed shed at the site of the existing concrete slab. The shed would consist of an A-frame roof erected on poles. There would be no walls or plumbing. In addition to providing shelter for outdoor sitting and for the applicant's tools, the proposed structure would serve as a carport when

overcrowding on the neighborhood streets prevents the applicant from parking on-street.

11. The proposed A-frame structure would have a height of ten feet, six inches. The footprint of the proposed shed would measure twenty-two feet, four inches from north to south and fifteen feet from east to west. The area covered by the proposed shed would be 334.95 square feet. The existing lot occupancy of the dwelling is 695 square feet. The dwelling and shed together would create a combined lot occupancy of 1,029.95 square feet. The maximum permitted lot occupancy is sixty percent, or 831.75 square feet. The proposal would cause the lot occupancy to be 198.2 square feet in excess of the permitted square footage, thus requiring a variance of 23.8 percent from the lot occupancy requirements of Sub-section 3303.1 of the Zoning Regulations.

12. The Board of Zoning Adjustment has the power to grant variances under Paragraph 8207.11 of the D.C. Zoning Regulations which provides that 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 the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board may grant 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.

13. The subject lot is exceptionally narrow and shallow and therefore the area of the lot is less than the 1,800 square feet required by the R-4 District. The area of the lot is 1,386.26 square feet. The lot width is fifteen feet, whereas eighteen feet is required. The necessary depth of an eighteen foot wide lot would be at least 100 feet in order to provide 1,800 square feet of area. The subject lot is 92.417 feet deep and would have to be 120 feet deep in order to provide 1,800 square feet of area with a fifteen foot width.

14. If the lot were the normal width and depth for an R-4 rowhouse, then the proposed accessory structure could be built in conformance with the Zoning Regulations. The lot occupancy of the subject structure would meet the required sixty percent maximum if the subject lot were the same size as most other lots in the square. Most lots in the subject square have a width of nineteen feet whereas the subject lot and four adjacent lots are fifteen feet wide. These four

lots and the dwelling units on them are narrower and shallower than the other lots in the same row.

15. The purpose of the maximum lot occupancy restriction is to maintain a ratio of open space to covered space that will guarantee sufficient open space for the intended use of a site according to its zoning district. The open court at the east side of the dwelling is included in the building area because it is less than five feet wide, thus increasing the lot occupancy in the technical sense but not as a functioning reality. The proposed shed, being an open structure, would not increase the enclosed area on the lot even though it is included in the lot occupancy. The unenclosed porch at the rear of the dwelling is three feet above grade. At that height, if the structure had no roof and were a deck instead of a porch, it would not be included in the lot occupancy. No room additions will be made to the dwelling unit.

16. The former garage structure resulted in the subject lot having a higher lot occupancy than at present. The concrete slab remains and would be the foundation for the proposed structure. An unenclosed shed would reduce the openness of the subject lot less than the previous enclosed garage structure.

17. The applicants considered alternative methods of constructing the proposed accessory structure. These alternatives included reducing the width, reducing the length and relocating the proposed structure to the court on the east of the dwelling. The court is too narrow for any effective shed structure to be constructed there. Reducing the length or width of the proposed structure would render the structure too small to be effective as a shelter for an automobile or for the applicant's tools.

18. The applicants contacted adjoining neighbors and reviewed the construction plans for the subject structure with the neighbors. The neighbors had no objections to the subject plans.

19. Three owners of neighboring properties submitted letters of support to the record. Their support was based on the opinion that the proposed structure would not be objectionable and would enhance the neighborhood.

20. There was no opposition to the application.

21. Advisory Neighborhood Commission 5C made no report on the application.

22. At the public meeting of December 17, 1983, a motion to deny the application failed for lack of a majority (Douglas J. Patton and William F. McIntosh to deny; Walter B. Lewis and Carrie L. Thornhill opposed; Charles R. Norris

not voting, not having heard the case). The Board deferred a decision on the application until its public meeting of January 11, 1984. Charles R. Norris read the record and participated in the decision at the public meeting of January 11, 1984.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 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 condition. 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 met this burden of proof in showing a practical difficulty inherent in the property. The small area, narrowness and shallowness of the subject lot are exceptional conditions which cause the construction of an accessory structure to violate the required maximum lot occupancy. The open court at the east of the site increases the lot occupancy because it is technically considered as part of the building area.

The Board further concludes that permitting the proposed rear addition will not cause substantial detriment to the public good nor will it substantially impair the intent and purpose of the zone plan. The proposed structure is not objectionable to the neighborhood and will permit a reasonable use of private property. The unenclosed design of the accessory structure will be consistent with the open rear yard space intended for the R-4 District. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 3-1 (Walter B. Lewis and Carrie L. Thornhill to grant; Charles R. Norris to grant by proxy; Douglas J. Patton opposed to the motion; William F. McIntosh 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 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."

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 CONSUMER AND REGULATORY AFFAIRS.

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