GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14079, of Thomas F. Shannon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and the side yard requirements (Sub-section 3305.1) to construct an addition to a single family semi-detached dwelling, a non-conforming structure, in an R-3 District at premises 3006 P Street, N.W., (Square 1257, Lot 205).

HEARING DATE: December 21, 1983
DECISION DATE: December 21, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of P Street, N.W. between 30th Street on the east and 31st Street on the west. The site is in an R-3 District and is known as premises 3006 P Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are 23.80 feet on the north and south sides and 120 feet on the east and west sides. It has an area of 2,856 square feet.

3. The subject site is improved with a single-family semi-detached dwelling, having its detached side on the east. The subject dwelling is a three-story brick structure that was constructed in 1840.

4. There is access to and from the subject property through P Street on the north and through a public alley on the east. The C-shaped public alley with approximately three feet of width enters the subject square from 30th Street on the east and abuts the rear fifty percent of the subject lot.

5. The subject square and the surrounding neighborhood are developed with rowhouses and semi-detached dwellings on lots of varying sizes. The subject lot is smaller than the median size for the square and the neighborhood. The neighborhood area is zoned R-3 for approximately three blocks in all directions from the subject site and is primarily residential in use. The neighborhood is part of the Georgetown Historic District.

6. The subject dwelling was constructed in 1840, a time when there were no Zoning Regulations. The Zoning

Regulations adepted in 1958 rendered the subject dwelling a non-conforming structure. The existing side yard on the east is three feet in width, whereas at least eight feet is now required. The existing lot occupancy is 1,319.6 square feet, whereas only 1.142.4 square feet is permitted. The lot width is 23.8 feet, whereas at least thirty feet is required. The lot area is 2,856 square feet, whereas at least 3,000 square feet is required. The rear yard has 43.85 feet of depth, whereas only twenty feet is required.

7. The subject dwelling is occupied by the applicant and his family. The first floor living space includes a dining room and a kitchen which are located at the rear of the structure. The rear sixty percent of the dwelling narrows to approximately sixty percent of the width of the front portion of the dwelling. This leaves a side yard of approximately eleven feet in width adjacent to the rear of the structure on the east side. The kitchen and dining room look out onto this side yard. Very little light and air is available to these rear rooms because the rowhouse that adjoins the site on the east is built up to its lot line. The kitchen and dining room are usable but their lack of light is detrimental to the applicant's wife, who has a respiratory problem.

8. The applicant proposes to construct a one-story atrium addition at the rear of the subject dwelling. The proposed addition would be located at the point where the narrow rear portion of the house joins the wider front portion. The atrium addition would adjoin both the kitchen and the dining room and would fill-in a part of the eleven foot side yard adjacent to the rear portion of the house, The proposed atrium addition would provide light and air to the dining room and kitchen through a skylight and would improve ingress and egress. The kitchen and the dining room each have doors which would open into the atrium from the north and west.

9. The proposed addition would be constructed of brick and glass. It would measure approximately 8.83 feet from north to south and approximately 7.17 feet from east to west. The entire roof of the addition would be formed by a glass skylight. The skylight would be raised at an angle facing south. It would be supported in this position by a triangular panel at the top of the east wall of the addition. The triangular panel would be made of glass or some other material, depending on approvals by all D.C. agencies that must process the final design.

10. The proposed addition would have a floor area of 63.31 square feet and would increase the lot occupancy of the total structure to 1,381.91 square feet. Thus, the addition would increase the nonconformity as to lot occupancy. The side wall on the east of the proposed addition would be

located a fraction of a foot west of the existing east wall, thus creating a side yard of 3.14 feet adjacent to the addition on the east. This would be a decrease in nonconformity from the three foot wide side yard adjacent to the existing structure on the east side. The proposed addition would thus require variances from the eight foot side yard requirement of Sub-section 3305.1 and from the forty percent lot occupancy requirement of Sub-section 3303.1.

11. The Board of Zoning Adjustment has the power to grant area 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 extraodinary 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, 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."

12. Section 7105 of the D.C. Zoning Regulations provides that enlargements or additions may be made to a nonconforming structure provided such structure is conforming as to percentage of lot occupancy, and further provided that the addition or enlargement itself is conforming as to use and structure, does not increase or extend any existing nonconforming aspect of the structure, and does not create any new nonconformity to structure and addition combined.

13. There is an extraordinary or exceptional condition affecting the subject site arising from the size and width of the lot and the fact that there is an existing building on the lot which is a nonconforming structure. The lot is smaller than normally required and the width of the existing side yard is exceptionally narrow because the dwelling was constructed prior to enactment of the D.C. Zoning Regulations.

14. This exceptional condition renders it impossible to construct the proposed addition without the requested variances. The atrium addition would be located at the rear of the dwelling but would violate the required side yard because the existing side yard is exceptionally narrow. If the site were conforming as to lot width, the additional 6.2 feet would preclude the need for the requested side yard variance.

15. If the atrium addition were constructed at any other location, it would not provide light and air for the kitchen and dining room nor would it improve ingress and egress. At the proposed location the addition would not increase the degree of nonconformity of the side yard and would cause only a minor increase in the nonconformity as to lot occupancy.

16. Due to its small size, the proposed addition would have no adverse affect on the light and air to adjoining properties. The atrium design is for a one story structure. No second story is contemplated now or in the future. The proposed addition would extend into the rear yard for approximately the same distance as the enclosed porch addition at the rear of the adjoining property the east.

17. The applicant met with the neighboring property owners to review with them the plans for the proposed addition. The applicant was aware of no opposition from neighbors. The applicant also met with representatives of the Advisory Neighborhood Commission 2E to discuss the application.

18. Three neighbors submitted letters to the record expressing support for the application. Their support was based on the taste in design and love for their home that the neighbors felt the applicant has evidenced. The addition was expected to be small and aesthetically pleasing.

19. Advisory Neighborhood Commission 2E, by resolution unanimously adopted on November 2, 1983, advised that it had no objection to the granting of the requested variance. The ANC based its acceptance of the applicant's proposal on the belief that the applicant met the required tests for a variance. The applicant had demonstrated to the ANC the existence of a practical difficulty and had demonstrated that the granting of the variance would not affect the present character or future development of the neighborhood. No objections were voiced by neighbors and one neighbor spoke in favor of the proposed addition. The structure would be devoted to a conforming use and would be too small to block the neighbor's light and air. It would not encroach on the existing rear yard. The original construction of the dwelling with a narrow walkway at the side places it in a different category from the surrounding structures. The existing rear yard and open space around the house are substantially greater than those of the surrounding house and provide amenities that benefit the neighbors and prevent adverse impact. The Board concurs with the reasoning and the recommendations of ANC 2E.

20. There was no opposition to the application.

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 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 applicant has met this burden of proof in showing a practical difficulty inherent in the property. The narrowness of the subject lot and the existing nonconformity of the subject dwelling are exceptional conditions which cause the construction of an addition at the rear of the dwelling to violate the Zoning Regulations.

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 Board concludes that it has given the issues and concerns of ANC 2E the "great weight" to which they are entitled. Accordingly, it is hereby ORDERED that the application is granted, subject to the following CONDITIONS:

a. The addition shall be limited to one story in height.

b. The addition shall comply with all applicable building codes.

VOTE: 4-0 (Lindsley Williams, Carrie L. Thornhill, 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: MAR 30 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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