

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14083 of Joseph Lee Jackson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1), the side yard requirements (Sub-section 3305.1) and from the prohibition against allowing a part of an accessory building to be located in the side yard (Sub-section 7601.2) for a proposed rear addition to a single family detached dwelling in an R-5-A District at premises 4926 Minnesota Avenue, N.E., (Square 5169, Lot 23).

HEARING DATE: January 18, 1984  
DECISION DATE: February 1, 1984

FINDINGS OF FACT:

1. The subject property is located on the north side of Minnesota Avenue between Quarles Street and Eastern Avenue and is known as premises 4926 Minnesota Avenue, N.E. It is the R-5-A District.
2. The subject property is irregular in shape. The width of the property measures forty feet on the south side along Minnesota Avenue and 40.50 feet on the north adjacent to a public alley. The depth of the property measures 75.63 feet on the west and 69.30 on the east.
3. The subject property is presently improved with a one-story plus basement single family dwelling and a one-story, two car garage.
4. The first floor of the existing dwelling contains a living room, three small bedrooms, a bath and a small foyer area which is in the process of being converted to kitchen space. The basement contains a kitchen, eating space and storage area. The existing garage is in active use for parking of one car and storage space.
5. The applicant proposes to construct a two-level addition to the rear of the house which will contain a master bedroom at ground level and another bedroom with low head space on the second level. After the addition has been completed, the applicant proposes to complete the kitchen space on the first floor and one of the existing first floor bedrooms will be converted to dining room space.

6. The applicant testified that the dwelling was purchased in 1973 and that the present interior configuration of the dwelling no longer meets the space requirements of the applicant's family. The applicant began plans for the proposed addition in August, 1982. The applicant borrowed money from a bank for the proposed construction costs and purchased furniture for the proposed expanded space prior to learning that zoning relief was required for the proposed addition.

7. The subject lot is presently non-conforming as to the minimum lot area and side yard requirements for the R-5-A District. The R-5-A District requires a minimum lot area of 4,000 square feet. The subject lot is 2,898.6 square feet in area.

8. The Zoning Regulations require a minimum side yard of eight feet. The subject property has an existing side yard of 4.55 feet on the east side of the existing dwelling. The proposed addition will have a side yard of five feet and not increase the nonconformity of the existing side yard.

9. The maximum allowable lot occupancy for the subject property is forty percent, or 1,159.44 square feet for the subject lot. The existing lot occupancy is 1,223 square feet. The proposed addition will increase the lot occupancy by approximately 227 square feet, for a total lot occupancy of 1,450 square feet.

10. The proposed addition will extend 16.75 feet into the existing rear yard. The R-5-A District requires a minimum rear yard of twenty feet. The average rear yard provided will be 18.04 feet. A variance of 1.96 feet was requested.

11. The applicant's architect testified that the depth of the proposed addition could be reduced by two feet and still provide adequate bedroom space. The applicant was desirous of gaining the maximum amount of space and the addition, as proposed, was designed to accommodate furniture which has already been purchased by the applicant.

12. The Board finds that there is no practical difficulty present in the property itself which justifies a rear yard variance. The applicant can provide reasonable additional living space without encroaching into the required rear yard. The desire of the applicant to gain as much space as possible from the proposed addition to accommodate the furniture which has already been purchased is not proper grounds for the granting of an area variance.

13. The existing garage structure is located entirely in the rear yard of the subject property at present, as required by Sub-section 7601.2 of the Zoning Regulations. Construction of the proposed addition will create a side yard of 22.61 feet on the west side of the addition. The side yard created by the proposed addition will extend beyond the southern garage wall and thus cause part of the existing accessory building to be located in a side yard.

14. The location of the existing garage in relation to the existing dwelling would preclude an extension from the subject structure into the rear yard of more than approximately seven and one half feet. The area gained from an addition of this size would be inadequate to provide adequate functional space as required by the applicant.

15. The applicant's architect testified that the proposed addition has been designed to be in keeping with the existing structures on the subject lot. Both of the existing structures pre-date the 1958 Zoning Regulations.

16. The architect testified that two alternative means of enlarging the existing structure to provide the needed bedroom space were explored by the applicant. The first alternative was to raise the existing A-frame roof and construct a second story on the existing structure. That alternative was not practicable due to excessive cost and the inability of the existing structure to support the second story addition. In addition, the existing living space on the first floor would have to be reduced in order to provide access to second story space.

17. The second alternative considered was to enlarge the structure into the existing fifteen foot side yard on the west. That alternative would allow for an addition of up to seven feet in width without infringing upon the required eight foot side yard. Due to the interior configuration of stairways and kitchen area, that seven foot addition could not be extended into the existing structure to provide the minimum room size needed to accommodate a minimum amount of bedroom furnishings. In addition, this alternative would require the applicant to construct a flat roof which is out of keeping with the architecture of the existing structure or to raise the rafters of the existing A-frame roof and extend that roof over the addition.

18. There was no report from Advisory Neighborhood Commission 7C.

19. There was no opposition to the application present 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 applicant is seeking area variances, the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board concludes that there is no practical difficulty unique to the subject property regarding the rear yard variance, as set forth in Finding of Fact No. 11. As to the remaining variance relief requested, the Board concludes that the burden of proof has been met. The existing structures on the subject property pre-date the Zoning Regulations. The subject site does not currently comply with the permitted lot size, lot occupancy and side yard requirements. An addition to the existing structure of any size would require a variance from the lot occupancy requirements. The increase in lot occupancy which would result from the proposed addition is not great. The proposed enlargement will not increase the degree of nonconformity of the existing side yard on the eastern side of the subject lot. The location of the existing structures would preclude a reasonable addition to the dwelling.

The Board further concludes that the requested relief can be granted, in part, without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the variances from the lot occupancy, side yard, and accessory building location be GRANTED SUBJECT to the CONDITION that the plans marked as Exhibit No. 7 of the record be modified so as to show compliance with the rear yard requirements of the R-5-A District. The variance from the rear yard requirements is hereby DENIED.

VOTE: 3-0 (Douglas J. Patton, Maybelle T. Bennett, and Carrie L. Thornhill to grant in part and deny in part; William F. McIntosh and Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: APR 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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