

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14094, of South Pasadena Investment Co., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1), the rear yard requirements (Sub-section 3304.1), the lot occupancy requirements (Sub-section 3303.1) and from the prohibition against permitting an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) for a proposed addition (enclosure of an open swimming pool) to a single family detached dwelling, a non-conforming structure, in an R-1-B District at premises 2409 Wyoming Avenue, N.W., (Square 2503, Lot 14).

HEARING DATE: February 8, 1984
DECISION DATES: March 7, and April 4, 1984

FINDINGS OF FACT:

1. The subject site is located on the north side of Wyoming Avenue, N.W., between 24th Street on the east and Kalorama Road on the west. The site is in an R-1-B District and is known as premises 2409 Wyoming Avenue, N.W.
2. The subject lot is rectangular in shape. Its dimensions are 127.50 feet on the east and west sides and seventy-five feet on the north and south sides. Its area is 9,562.5 square feet.
3. The site is improved with a single-family detached dwelling, a three-car garage at the rear of the lot, and an outdoor swimming pool with a temporary enclosure of aluminum frame and fabric. The dwelling is a three story brick structure and the garage is a one-story brick structure.
4. There is access to and from the subject site through Wyoming Avenue on the south and through a public alley on the north. The public alley has a width of fifteen feet.
5. The subject square and the surrounding neighborhood area are developed primarily with single-family detached dwellings and some semi-detached dwellings. The neighborhood dwellings are of substantial size on oversized lots. Most of the dwellings exceed the maximum permitted lot occupancy. Many of the dwellings have accessory structures that further increase their lot occupancy. The neighborhood area is zoned

R-1-B on all four sides of the subject site. A D/R-1-B District begins two blocks southwest of the subject site. Kalorama Circle is located one block to the north.

6. The subject neighborhood is part of the Kalorama historic area which is designated an historic place by the Joint Committee on Landmarks. The Kalorama area is also listed on the D.C. Inventory of Historic Sites as a Category III Historic Place. Most of the buildings in the area are noted for their Federal and Georgian Revival architecture. The construction of most Kalorama area buildings occurred in the 1920's.

7. The subject dwelling was constructed in 1925 and is built in the Federal or Georgian revival style. It is representative of the superior design quality which characterizes the historic Kalorama neighborhood. The detached garage in the rear yard echos the design of the dwelling and has three arched doorways that are its distinguishing features. The garage is located eight feet south of the north or rear lot line. The rear yard is surrounded by a ten foot high brick wall on its north, east and west lot lines. The existing swimming pool in the rear yard has dimensions of forty feet from north to south and eleven feet from east to west. The pool dominates the existing open space.

8. The subject dwelling has two one-story additions on the west side with a courtyard between them. These additions extended into the required eight foot side yard making the dwelling nonconforming as to the side yard requirements. There is another one-story addition at the northeast corner of the dwelling which extends into the required twenty-five foot rear yard. This addition makes the dwelling nonconforming as to the rear yard requirements. The subject dwelling and the accompanying garage have a combined lot occupancy of 4,496.7 square feet, which exceeds the permitted maximum lot occupancy of 3,825 square feet.

9. The subject property is occupied by Mr. Housib Sabbagh, the managing director of South Pasadena Investment Co., which is the owner of record of the property. Mr. Sabbagh uses the premises as a single family dwelling for himself and his family. Soon after his recent purchase of the property, Mr. Sabbagh hired an architect to do interior renovations. The architect, in doing a survey of the site and its surroundings, noted that the temporary pool enclosure was dilapidated and inconsistent with the architectural character of the neighborhood. He proposed to the applicant that he construct a permanent enclosure that would be compatible with the site and the area.

10. The underground heated swimming pool was one of the major factors in the purchase of the subject property by Mr. Sabbagh. Two of the family members could benefit from therapeutic use of the swimming pool year-round. The existing temporary enclosure prevents the applicant from utilizing the pool on a twelve-month basis.

11. The applicant proposes to construct a permanent enclosure of glass panels with brick columns. The columns would be connected by arches that echo the motif on the existing garage. The design of the pool enclosure is intended to be more in character with the neighborhood than the existing temporary structure. The architect chose to use masonry, which would be compatible with the house, and materials such as brick which would tie in with the existing house and with the neighborhood. The enclosure would have a slate roof band around the eaves line, which would tie in and be aesthetically compatible with the slate roof of the house. The enclosure would look light and airy because there would be a glass panel inside the curve of each arch. The structure would not appear as one solid brick block.

12. The proposed pool enclosure would increase the lot occupancy by 1,798.5 square feet, bringing total lot occupancy to 5,295.25 square feet. Under the Zoning Regulations, 3,825 square feet is allowed. This requires a variance of 2,470.25 square feet or 64.58 percent from the maximum lot occupancy requirements of Sub-section 3303.1. The proposed pool enclosure would not increase the nonconformity of the dwelling as to side yard and rear yard. However, variances from side yard and rear yard requirements of Sub-section 3305.1 and 3304.1 are necessary due to existing nonconformities. Further, the proposed pool enclosure would require a variance from the prohibition of Paragraph 7105.12 against permitting an addition to a nonconforming structure which now exceeds the lot occupancy requirements.

13. The applicant argued that the existing location and configuration of the structures on the subject site prevent the applicant from locating a permanent pool enclosure on the site without area variance relief. The only possible way to comply with the Zoning Regulations would be to demolish a substantial portion of the existing structures and/or to fill in part of the swimming pool. The existing structures are part of the historic character of the Kalorama neighborhood, and therefore such demolition would not be permitted and could not provide a solution.

14. If the site were vacant of the existing structures, the same floor area that the applicant proposes for the dwelling, garage and pool enclosure could be constructed in

conformity with the Zoning Regulations. This would require locating the additions in a third or fourth story of the dwelling. The foot print of the dwelling would then be smaller reducing its lot occupancy enough to allow the garage and the pool enclosure to be constructed within the forty percent maximum lot occupancy. The structures would also meet the side yard and rear yard requirements and no nonconformities would exist. Only the existing location of the additions at the ground floor causes the structures to be nonconforming.

15. The swimming pool, the temporary pool enclosure, and the garage are matter-of-right accessory structures. The temporary pool enclosure could continue to exist. Replacing it with the proposed permanent structure would remove an eyesore from the site and create a structure more in harmony with existing structures.

16. The open space remaining on the subject lot after construction of the proposed pool enclosure would be adequate to meet the intention of the Zoning Regulations in terms of openness of the site. The typical 5,000 square foot R-1-B lot has 2,000 square feet of open space. The subject lot, even with the permanent pool enclosure, would have 3,336 square feet of open space. The subject site has more than the minimum open area required in an R-1-B District because the lot has an area of 9,562.5 square feet whereas 5,000 square feet is required. The lot width is seventy-five feet, whereas fifty feet is required.

17. The development of the subject lot with two accessory structures of similar design and materials to the main house would be in character with the development on the surrounding neighborhood lots. Accessory structures such as garages and pools have been added to most of the nearby dwellings. Of the twelve improved lots in Square 2503, ten of the lots, or eighty-three percent, are nonconforming as to yard requirements or lot occupancy or both. In Square 2504, across Wyoming Avenue to the south, thirteen of the seventeen lots, or seventy-six percent, are nonconforming in this manner.

18. The proposed pool enclosure would be visually buffered from nearby properties by the existing brick wall and by the landscaping proposed by the applicant. It would be impossible to see this structure from 24th Street, Wyoming Avenue, or Kalorama Road, due to the change of grade from the front to the rear of the subject lot, where the brick wall would block any possible sight lines. The only possible visibility of the proposed structure would be from the backyards across the public alley to the north. These properties would see the tip of the roof on the pool enclosure above the brick wall. There would be no adverse impact on light and air to neighboring properties because the structures on site are completely enclosed by the existing brick wall.

19. The landscaping plan proposed by the applicant for the subject site provides trees to be located between the proposed structure and the brick wall at the perimeter of the site. The trees would have a height of ten feet and their tops would show above the brick wall. This greenery showing above the brick wall would block all view of the roof of the pool enclosure. The landscaping at the western edge of the site would consist of Lombardy Poplars. At the northern edge of the site would be a single Canadian Hemlock, ten feet tall.

20. The applicant met with surrounding neighbors to present the proposed plans and discuss them. There were no objections presented. The applicant modified the landscape plan to provide the type of plantings desired by the neighbors to the north and west. The applicant also met with the Sheridan-Kalorama Neighborhood Council and heard no objections from it.

21. Five neighbors submitted letters of support to the record, including the neighbors immediately adjacent to the subject property. The supporters were of the opinion that the plans for a brick and glazed enclosure and extensive landscaping that the applicant proposes will be an aesthetic improvement over the existing temporary metal frame and fabric enclosure. The new design is more in keeping with the architectural character of the Kalorama neighborhood and will have no adverse effect on surrounding property.

22. Advisory Neighborhood Commission 1D, by letter dated January 26, 1984, reported that there having been no telephone, mail, or personal contact from any neighbors, the Commission found that the plans, landscaping, etc. were an asset to the area and voted unanimously to support the subject application. The Board concurs with the recommendation of the ANC.

23. The Board was unable to determine the application at the public meeting of March 7, 1984, for lack of a majority vote. Two Board members who had not heard the application read the entire record and voted at the public meeting of April 4, 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 area variances, 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 plan.

The Board concludes that the applicant has met this burden of proof in showing a practical difficulty inherent in the property. The existing structures on the site are so located and configured as to cause them to violate the side yard, rear yard and lot occupancy requirements. This renders it impossible to construct a permitted accessory structure in conformity with the Zoning Regulations. Were the site vacant and the construction done, ab initio, all existing and proposed structures could be built in conformity with the Zoning Regulations.

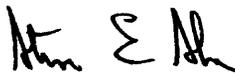
The Board further finds that the location of the subject site in a Category III Historic Place compounds the practical difficulty created by the existing structures. The historic designation of the site precludes any demolition to bring the existing structures into conformity with the Zoning Regulations.

The Board further concludes that permitting the proposed addition of an accessory structure in the rear yard of the subject site 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 more harmonious with the neighborhood and will permit a reasonable use of private property. The site and its structures will be buffered from the view of neighbors by landscaping and an existing brick wall. The proposed permanent pool enclosure will be more compatible with architectural character of the neighborhood than the existing temporary structure. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 3-2 (Walter B. Lewis, Charles R. Norris and Carrie L. Thornhill to grant; William F. McIntosh and Douglas J. Patton 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: JUL - 5 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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