GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 14131, of John Andrew Maxim, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy limitations (Sub-section 3303.1) to allow a rear addition (sun room/porch) in an R-4 District at the premises 513 D Street, S.E., (Square 845, Lot 835).

HEARING DATE: May 16, 1984
DECISION DATE: May 16, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of D Street, S.E., between 5th and 6th Streets, S.E. The property is located in an R-4 District and is known as premises 513 D Street, S.E.

2. The site is improved with a two-story semi-detached brick row dwelling which was constructed shortly after 1900. It was subsequently redesigned and rehabilitated in 1963 and has been occupied since as a single family residence.

3. The lot is rectangular in shape and, as originally platted was approximately 18.247 feet wide and approximately ninety-five feet long, with its axis running in a north-to-south direction. In District Court Case No. 1503 in the Supreme Court of the District of Columbia, a condemnation action occurring in the 1930's, the Government of the District of Columbia took by eminent domain approximately 194 square feet of the platted lot at its southern end at the rear of the site for use in expanding the existing public alley which abuts the property on the east and south sides. The legal description of the property, now designated on the records of the Assessor for the District of Columbia for assessment and taxation purposes as Square 845, Lot 835, references this action and details the property taken thereby. A strip across the rear of the lot for its full width of 18.247 feet by a depth of ten feet, plus a triangular portion at the remaining southeast corner, some five feet by five feet by seven feet, was condemned for public usage.

4. The site is bounded by D Street, S.E. to the north, by public alleys to the east and south, and by another lot to the west known as premises 511 D Street, S.E. The two-story house on the site is attached to the two-story

house at 511 D Street, S.E., and shares a common wall running along the western property line of the lot. The structure at 511 D Street, S.E., is the same width as the applicant's, but extends some fifteen feet further to the rear, on a lot the same length but some four feet wider than the applicant's 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 is primarily residential in use. The site and neighborhood are within the Capitol Hill Historic District.

6. The subject dwelling was constructed originally in approximately 1910, a time when there were no Zoning Regulations. Prior to its rehabilitation in 1963, the subject dwelling appears to have contained a porch structure at the rear which was attached at the west to the dwelling at 511 D Street, S.E. and to the south wall of the subject dwelling. A garage may also have been constructed at the extreme south of the subject site on or after the date the original dwelling was constructed. It presumably was removed when the condemnation action occurred and was not replaced.

7. In 1963, the earlier porch was not replaced or refurbished. In its place a flagstone patio was then built, together with another concrete patio area at the rear of the subject lot.

8. The rear yard is enclosed with a wooden fence along its western, southern and eastern sides, and is partially landscaped with ornamental and indigenous trees.

9. The applicant seeks approval to replace the flagstone patio with an upgraded concrete patio slab, and to construct thereon a sunroom/porch. The sun room will be attached to the southern rear wall of the dwelling and to the common party wall created by the projecting rear portion of the abutting dwelling at 511 D Street, S.E., on the western property line of the lot. The sun room's dimensions will be approximately 13.5 feet wide at the north and south walls and 11.5 feet deep at the west and east walls. The roof will be fourteen feet above grade at the north wall of the new room, where it is attached to the rear wall of the house, and will slope slightly to ten feet above grade at the south or rear wall of the new room. Construction of the new room's south and east walls, and of the roof, will be primarily of glass to permit free transmission of sunshine.

10. The applicant and his contractor have designed the new sun room/porch in consultation with an architectural historian representative of the D.C. Government's Historic

Preservation Office so as to accommodate suggestions and concerns of the Capitol Hill Restoration Society's Historic District Committee. As a consequence, the latter Committee and the Society have consented to the design and raised no objection. The sun room design utilizes a solar greenroom prefabricated "greenhouse" structure, double-glazed with framing members of bronze anodized aluminum, atop a three foot wall to the south and east of wood frame construction.

11. By enclosing the south and east walls of the upgraded patio with the sunroom, the applicant plans to use the new room year-round during all weather conditions. The new sun room will serve as a passive solar heat facility, with appropriate access to the existing dwelling, for the accumulation and transmittal of stored heat generated by the sun during winter months. The design includes awning windows and sliding patio doors, plus a roof vent fan, to enable usage of the room during the summer as well. The room will be shaded to the south by an existing ornamental tree during spring, summer and fall months. With winter and the loss of the tree's leaves, the room will receive the full benefit of sun during the day until mid-afternoon. The applicant plans to use the new sun room/porch as a semi-outdoor family room and for the growth of plants year-round.

12. Access to the sun room/porch will not be possible from the existing dwelling directly because existing living room windows will be preserved together with installed security/burglar protection bars. Instead, access will be gained through a door in the new eastern wall of the sun room from the outside. The applicant may construct an awning to provide protection while going from the existing dwelling's rear door outside and into the new sun room/porch. It would protect the walkway from rain or snow and, at a height of approximately ten feet above grade, would be approximately three feet deep by ten feet long. The awning would be supported by ornamental metal posts.

13. The existing dwelling covers approximately 848.645 square feet of the 1,538.495 square feet in the subject lot. Despite the fact that the rearmost fifteen feet of the existing dwelling is inset four feet from the abutting public alley along the eastern lot line, a portion of the existing lot coverage includes about half of the new walkway area beneath the sun room/porch's door awning. The new sun room/porch will enclose an additional 147.504 square feet. Thus, after construction, the covered area will total 996.149 square feet, requiring a variance from the lot occupancy requirements for the amount over the allowed 923.097 square feet. The variance amount is 73.052 square feet, or 7.91 percent. All of these calculations are approximate, since they are based upon the applicant's preliminary design drawings. The structural characteristics of the new sun room/porch ultimately will reflect the

approvals by all D.C. agencies that must process the application.

14. The applicant plans to utilize existing lights and electric power outlets with such modifications needed to conform to code requirements. The sun room/porch is designed so as to permit maximum light to enter the existing living room windows during the day. Said windows now cover an area ten feet long by seven feet tall, or some seventy square feet of fenestration.

15. The existing rear yard is approximately eighteen feet wide by thirty-five feet deep, minus the triangular portion at the southeast corner. After construction, the rear yard's depth will be approximately 23.5 feet which conforms to applicable requirements. The new sun room/porch's construction will not materially affect the light and air to the abutting premises at 511 D Street, S.E. It will not affect the rights of neighboring householders across the alley to the east and south to light and air.

16. The design of the proposed sun room/porch is aesthetically and architecturally compatible with the Victorian character of the neighborhood. The applicant has arranged with his contractor to preserve the ornamental and indigenous trees in the yard of substantial size, so that the remainder of the premises' rear yard is compatible. The existing fence will be replaced as necessary and the remainder of the yard's garden area planted with shrubs. As a result, the appeal of the property visually and aesthetically will be enhanced. The new addition will enable the applicant to make better use and to derive greater enjoyment from continued occupancy of the property as improved. The sun room/porch's solar heat potential may partially replace the applicant's winter heating requirements and will promote energy conservation.

17. In addition to securing the assent of the Capitol Hill Restoration Society's Historic District Committee and the approval of the D.C. Government's Historic Preservation Office, the applicant appeared before the Restoration Society's Planning and Zoning Committee. The applicant testified that the Committee and the Society voted to take no action on the subject application. The applicant also testified that he appeared before ANC 6-B's Planning and Zoning Committee and a meeting of the Commission. The Committee recommended the Commission take no action on subject application. For lack of a quorum, the Commission members present at ANC 6-B's May 10 meeting did not vote. None of the aforementioned organizations submitted a letter or report to the BZA.

18. The record contains three letters of support signed by neighbors of the applicant. Two of the letters were from adjacent property owners.

19. The proposed addition, configured at its highest point at about one and one-half stories, is less than the two full stories otherwise possible. Construction of the sun room/porch as designed will enhance the utilization of the applicant's property but in a manner which for design and cost reasons would preclude a later effort to add a second story. The proposed addition is partially shielded from view by the fence which encloses the applicant's rear yard, and is otherwise compatible with the historic character of the neighborhood.

20. There was no opposition to the application at the Public Hearing. No letters in opposition were filed in the 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 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. The Board concludes that there are practical difficulties unique to and inherent in the configuration of the subject property. The size of the subject lot, as originally platted, would have been sufficient to allow the applicant's proposal without a variance. Even after the condemnation action by the D.C. Government had occurred, but prior to current lot coverage requirements under Sub-section 3303.1, the applicant would not have been barred from proceeding with the construction of the proposed sun room/porch addition. The enactment of the Zoning Regulations in 1958 prevented the proposal from proceeding without the requested variance. Thus, the Board concludes that the applicant has met the burden of proving a practical difficulty inherent in the property.

The Board must further conclude 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 permitting the proposed rear addition will not cause substantial detriment to the public good. It will not impact the light and air of neighboring properties and is not opposed by neighbors. Instead, the application is supported by several neighbors. The proposed structure as characterized herein is not objectionable or detrimental to the historic character of the applicant's neighborhood and will permit a reasonable use of private property. Therefore, the Board also concludes that permitting the proposed addition will not substantially impair the intent, purpose, and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Maybelle Taylor Bennett, Charles R. Norris and Douglas J. Patton to grant, Carrie L. Thornhill 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: 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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