GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14162, of Thomas C. and Pamela K. Green, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a two story rear addition to a single family detached dwelling in an R-1-B District at premises 3738 Huntington Street, N.W., (Square 1876, Lot 65).

HEARING DATE: July 25, 1984
DECISION DATE: September 5, 1984

FINDINGS OF FACT:

1. The subject site is located on the south side of Huntington Street, N.W. between Connecticut Avenue on the east and 38th Street on the west. The site is in an R-1-B District and is known as premises 3738 Huntington Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are 120 feet on the north and south sides and 85.92 feet on the east and west sides. The lot area is 10,310.4 square feet. The subject lot was formed by combining two adjoining lots to form one large lot.

3. The site is improved with a single family detached dwelling. The subject dwelling is a three-story stucco and frame structure located on the eastern portion of the lot with a 48.1 foot side yard extending to the west. The side yard on the east is 17.8 feet in width.

4. There is access to and from the subject site through Huntington Street on the north. There is a twelve foot wide right-of-way for a public alley at the south of the site. The right-of-way has never been developed as an alley and is overgrown with grass and trees.

5. The subject square and the surrounding neighborhood are developed primarily with single-family detached dwellings. The area is zoned R-1-B on all four sides of the subject site. An R-5-C corridor begins at the eastern edge of the subject square and extends along Connecticut Avenue from northwest to southeast.

6. The subject dwelling was constructed in approximately 1924 as were most other dwellings in the square. The front of the subject dwelling is located near the front or north

of the site with the front steps ending at a building restriction line that is located fifteen feet south of the front lot line. The existing rear yard is 25.54 feet deep whereas the required minimum rear yard is twenty-five feet in depth.

7. The subject dwelling is the only dwelling in the 3700 block of Huntington Street that is located at the northernmost possible portion of its lot. The other dwellings have their front walls further south and their rear walls are correspondingly four to twelve feet further south than the rear of the subject dwelling.

8. Both of the side yards at the subject site exceed the required minimum side yard width.

9. The applicants purchased the subject dwelling in 1979, and have occupied it since then as their residence. At the time that they purchased the dwelling the applicants' family consisted of four persons, including two children. Since that time, the family has been increased by the birth of two more children. The applicants' four children must now share two bedrooms with two children in each bedroom. These bedrooms measure approximately ten feet by ten feet and are cramped with two occupants. The children are also using the kitchen on the first floor as a play area. The existing kitchen is too small to accommodate both the normal kitchen activities and the children's play activities.

10. The applicants propose to construct a two-story addition at the south or rear of the subject dwelling. The addition would expand and rearrange the living space available in the kitchen and in the two bedrooms located immediately above the kitchen on the second floor. These are the two bedrooms which are occupied by the applicants' children. At present, the kitchen is located in an addition that was made before the applicants purchased the property. The second story of the existing addition is an enclosed sleeping porch which is no longer used and has become dilapidated. The addition was built on a slab and is drafty and cold because the skin of the structure does not extend into the ground. The entire addition will have to be replaced because of poor construction. The applicants are seeking to use the new construction as an opportunity to expand the addition as well as to replace it. A family room would be provided adjacent to the expanded kitchen.

11. The proposed addition would be twelve feet deep and approximately 29.6 feet wide. It would be approximately twelve feet deeper from north to south and approximately two feet wider from east to west than the existing addition. The new addition would provide an increase of approximately 107 square feet of space on the ground story of the dwelling and approximately 355.2 square feet on the second story.

The proposed addition would intrude approximately 2.42 feet into the minimum rear yard and would necessitate a variance of 9.68 percent from the rear yard requirements of Sub-section 3304.1 of the D.C. Zoning Regulations.

12. The Board of Zoning Adjustment has the authority 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 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 the owner of such property, the Board may authorize a variance from such strict application so as to relieve such difficulties, provided such relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map.

13. The applicants argued that because of the location and layout of the existing dwelling, it is impractical to expand in any direction but south. The applicants supported this argument with a letter from their architect. The north side of the house is already on the building restriction line. The master bedroom and living room run along the west side of the house, thereby making it infeasible to locate a family room there or to enlarge the childrens' bedrooms, which run along the east side of the house from north to south. An addition to the east is impractical because the existing dwelling is already located on the east side of the lot and expansion in that direction would severely intrude into the side yard space between applicants and their neighbor. Furthermore, construction of a first floor family room to the east would cut off most of the light to the dining room. Construction to the east would not eliminate the need to do substantial renovation to the south side of the house. The applicants testified that the sleeping porch located above the kitchen on the south side of the existing dwelling must be replaced and the kitchen must be refaced on the south side and permanently sealed to the foundation.

14. The dwellings that adjoin the applicants' dwelling on the east and west extend further into their rear yards than would the applicants' proposed addition. The applicants argued that the proposed addition would not obstruct light and air to the adjoining dwellings because of the projection of the rear of those dwellings beyond the rear of the proposed addition.

15. The applicants attempted to eliminate the need for the requested variance by requesting that the city close the alley at the rear of their property. This would have increased their rear yard by six feet, making the variance application unnecessary. The alley exists only on the

surveyor's plat. The applicant testified that the District Government acknowledged that the alley will never be developed. The alley closing was not accomplished because a homeowner in the square refused to grant C&P Telephone Co. an easement for access to the utilities located in the alley. The refusal was tied to that homeowner's observation that the liability for trees now located in the alley would no longer be with the District Government if the alley were closed.

16. Advisory Neighborhood Commission 3G made no recommendation on the subject application.

17. One letter of support was submitted to the record by the neighbor whose property adjoins the subject site on its west. The support was based on the opinion that the proposed addition would not be objectionable.

18. The only opposition to the proposed application, from Mrs. Wold, the applicants' neighbor to the east, was withdrawn after the applicants explained to her daughter, who resides with her, the scope and location of the addition. Mrs. Wold's daughter expressed a preference that the addition be constructed to the south, as proposed, rather than eastward into the side yard between the residences.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are 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 subject lot is shallow for its width. The lot is more than twice as wide as the minimum width required in an R-1-B District, but is only eighty-six feet deep. With the existence of a fifteen foot building restriction line on the front of the lot, and the configuration of the existing structure on the lot, the applicants would experience practical difficulty expanding in any direction but to the south. Further, an unused right-of-way for a public alley at the rear of the property creates six additional feet of open space that is available as a de facto extension of the rear yard. This additional open space fulfills the intent of the Zoning Regulations concerning the provision of rear yards in residence districts.

The Board notes that the variance requested is minimal. The applicants will be replacing the existing addition at the south side of the property whether the variance is granted or not. A slight southward extension of the footprint is proposed for the replacement and will necessitate a variance of 2.42 feet from the rear yard requirements. The Board concludes that this southward expansion will not obstruct light and air to adjoining residences nor will it cause any other adverse impacts. The Board notes that the plans have been shown to the adjoining neighbors and none of them have any objections.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The granting of this area variance would permit a reasonable use of private property which is not objectionable to neighboring property owners.

Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-1 (Lindsley Williams, Charles R. Norris, Douglas J. Patton and Carrie L. Thornhill to grant; William F. McIntosh opposed to the motion).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 9 NOV 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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