GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14167 of Joseph Tarantolo and Elissa Feldman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct two new additions to a single family dwelling in an R-4 District at premises 613 South Carolina Avenue, S.E., (Square 876, Lots 819 and 838).

HEARING DATE: September 12, 1984
DECISION DATE: October 3, 1984

FINDINGS OF FACT:

1. The subject property is located on the south side of South Carolina Avenue between 6th and 7th Streets and is known as premises 613 South Carolina Avenue, S.E. It is zoned R-4.

2. The subject property is irregularly shaped. The width of the property along South Carolina Avenue is 50.33 feet. The depth of the property is 69.67 feet on the east property line and 42.07 feet on the west property line. The rear property line angles from the southwest corner to the east for a distance of 19.46 feet, south for 12.32 feet, and east for 33.73 feet.

3. The subject property is currently improved with a two-story detached single family dwelling. The subject dwelling is the only detached structure located on the south side of the 600 block of South Carolina Avenue.

4. The applicants propose to construct two two-story additions to the existing dwelling in order to increase the interior living space of the dwelling to accommodate their family more efficiently.

5. The first floor of the existing structure contains a large, open living, dining and family room area, small powder room, and a kitchen. The second floor contains one bathroom and three bedrooms, two of which are small.

6. The two proposed additions will provide space for a separate dining room and family room on the first floor. The second floor will be reconfigured to provide two additional bedrooms. Two bathrooms will be provided in the space currently occupied by the smallest of the existing bedrooms.

7. In order to construct the proposed additions, the applicant is seeking a variance from the rear yard requirements. The R-4 District requires a minimum rear yard of twenty feet. The Zoning Administrator has calculated the average rear yard for the subject premises including the proposed additions as 15.87 feet. No other variance relief is required.

8. The subject property consists of two tax lots which are to be subdivided to form one lot. The subject lot contains 2,998 square feet of lot area with a lot width of 50.33 feet. The subject lot is much larger than the minimum required in the R-4 District of 1,800 square feet of lot area with an eighteen foot width.

9. The existing dwelling occupies 781.22 square feet of the lot area. The R-4 District permits a lot occupancy of sixty percent or 1,789.8 square feet on the subject lot. The proposed additions to the existing dwelling will result in a total lot occupancy of 1,529.21 or fifty-one percent.

10. The subject property is located in the Capitol Hill Historic District. The proposed additions have been designed to set back from the front of the existing dwelling a distance of 22.8 feet in order to preserve the "High Victorian Flatfront" facade of the existing dwelling as a focal point. The design of the proposed additions has been approved, in concept, by the D.C. Historic Preservation Review Board.

11. The location of the proposed additions at the rear of the existing dwelling have been designed to integrate the existing interior circulation and plumbing features with the proposed additions.

12. On the east side, the proposed addition has been located flush with the rear wall of the existing structure. The placement of the addition, as proposed, would permit the continued use of the existing stairwell leading to the second floor and basement levels of the existing dwelling. The proposed location of the addition would also facilitate the use of the existing plumbing lines in the kitchen area to serve the proposed second floor bathrooms.

13. The relocation of the proposed eastern addition closer towards the front of the subject dwelling would necessitate the costly and difficult relocation of the stairwell and the installation of a new plumbing system to serve the second floor bathrooms.

14. On the west side, the location of the proposed addition is designed to protect an existing bedroom window located immediately north of the proposed addition.

15. The relocation of the proposed western addition closer to the front of the existing dwelling would require the elimination of that existing window, would result in the loss of light and ventilation required by the Building Code for a habitable room and would render that existing space uninhabitable.

16. The additions, as proposed, would fill in the existing open areas between the subject dwelling and adjacent structures to create an uninterrupted row structure streetscape.

17. The proposed additions do not project beyond the rear wall of the existing dwelling. The proposed eastern addition is flush with the rear wall of the existing dwelling. The proposed western addition is removed from the rear wall of the existing dwelling 10.85 feet.

18. The Capitol Hill Restoration Society (CHRS), by letter dated September 12, 1984, supported the granting of the requested variance. The CHRS was of the opinion that the irregular rear lot line which creates an irregular rear yard depth, coupled with the circumstance of a small existing dwelling on a large lot, constitutes an exceptional situation. The CHRS was further of the opinion that relocation of the proposed additions toward the front of the lot would result in exceptional practical difficulties upon the owners because the existing stairwell would interfere with access to a forwardly placed addition and because the center of the dwelling, particularly on the second floor, would be deprived of natural light and ventilation which would preclude the use of that space as a habitable room. The Board agrees.

19. Four nearby property owners appeared at the public hearing in opposition to the granting of the requested variance. The opposition represented the properties located at 612, 614, 616 and 648 E Street, S.E. The rear yards of 612, 614 and 616 E Street are immediately south and west of the rear yard of the subject property.

20. The opposition expressed concern that the proposed additions would result in the loss of light, air circulation and privacy to the dwellings located on E Street. The opposition argued that light and air circulation would be adversely affected by the addition of two, two-story walls in existing open space. In addition, the proposed additions would contain windows which would result in a further loss of privacy to the rear of the oppositions properties.

21. The opposition further expressed concern that the calculations of the average rear yard of the subject premises may have been in error. The opposition was of the opinion that the existing dwelling was located closer to the rear

rear property line than indicated by the dimensions enumerated on the plans filed. The encroachment of the existing dwelling on the rear yards of the opposition would be exacerbated by the further projection to the rear of a bay window proposed on the eastern addition.

22. The Board left the record open to allow for the Zoning Administrator to submit a recomputation of the average rear yard of the subject premises if the proposed bay window were eliminated.

23. By memorandum dated September 17, 1984, the Zoning Administrator indicated that the elimination of the proposed bay window would result in an average rear yard of 16.03 feet and reduce the amount of variance required from 4.13 to 3.97 feet. The change in the average depth is minimal because the elimination of the bay window results in a wide rear yard.

24. By post-hearing submission dated September 19, 1984, the applicant advised the Board that the bay window on the rear of the eastern addition would be eliminated from the plans.

25. In addressing the concerns of the opposition, the Board finds that the proposed additions, except for the proposed bay window, will not project beyond the rear wall of the existing dwelling and therefore, will not result in further encroachment upon the rear yard. The Board further finds that in-fill development, as proposed, is consistent with the row structure character of the subject Block and that the proposed additions will not impact on light, air and privacy of the E Street properties anymore adversely than similar in-fill development done as a matter of right. The proposed additions are north of the properties to the rear, and will not block sunlight to those homes to the south. As to the rear yard computation, the Board finds that the dimensions are based on surveys done by professional architects and surveyors. If such dimensions are found to be incorrect by wall checks conducted by the appropriate D.C. Government officials, the plans will have to be adjusted.

26. Advisory Neighborhood Commission 6B made no recommendation on the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing 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, purpose or integrity of the zone plan.

The Board concludes that the applicants have met the required burden of proof in showing a practical difficulty inherent in the property itself. The irregularity of the rear lot line, the large size of the lot, and the small existing structure and its location in an historic district create an exceptional condition of the property. The small size of the existing dwelling, its interior configuration, and the location of existing windows make it impractical for the applicants to expand on other portions of the site.

The Board further concludes that permitting the proposed additions to a single family detached dwelling will result in the creation of a row structure which is consistent with the intent and purpose of the R-4 District and will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the zone plan. The Board will require the elimination of the bay window proposed to be located at the rear of the eastern addition, to reduce any potential loss of privacy that could result from such window. The applicants indicated that they no longer desired to construct that bay window. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 21A of the record, except that such plans shall be modified to eliminate the proposed bay window at the rear of the eastern addition.

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

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

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

FINAL DATE OF ORDER: 23 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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