

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14200, of Jesse and Phyllis Rubin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against permitting an addition to a structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) to permit an addition to a single family dwelling in an R-3 District at premises 2750 Q Street, N.W., (Square 1266, Lot 311).

HEARING DATE: October 24, 1984
DECISION DATE: November 7, 1984

FINDINGS OF FACT:

1. The subject property is located near the southeast corner of the intersection of 28th and Q Streets and is known as premises 2750 Q Street, N.W. It is zoned R-3.
2. The subject property is irregularly shaped and contains 5,620 square feet of lot area.
3. The subject property is improved with a single family semi-detached dwelling which currently exceeds the permitted lot occupancy of forty percent in the R-3 District.
4. The subject site is abutted by single-family row dwellings to the west and south and an apartment house on the east. The surrounding area is predominantly developed with row dwellings and apartment buildings.
5. The subject structure consists of two two-story wings which are joined by a one-story entrance and foyer. Due to this unusual configuration, it is impossible to reach the second story of one wing from the second story of the other wing without going downstairs to the first floor.
6. The two-story wing at the south end of the subject site contains an entranceway, powder room, breakfast room, kitchen and dining room on the first floor and two bedrooms and a bathroom on the second floor.
7. The only means of access to the second story of the south wing is via an ornamental circular stairway which is located in the existing dining room. To reach that stairway requires walking through the entranceway, the breakfast room or kitchen and the dining room.

8. The applicants propose to construct a glass-enclosed loggia along the north side of the southern wing. The loggia, as proposed, will measure 4.5 by twenty-eight feet and will increase the lot occupancy of the site by 126 square feet.

9. Construction of the proposed loggia will permit access to the circular stairway from the entrance area without entering the other rooms of the first floor of the southern wing, thereby providing for more efficient internal circulation.

10. The applicant's architect explored several alternative designs in an attempt to provide a solution within the interior of the existing dwelling. The stairway is partially surrounded by a brick bearing wall which prevents access to the stairway from the front entranceway.

11. Relocation of existing rooms within the dwelling in order to permit an interior corridor to access the stairway was found to be impractical due to the configuration of the dwelling, the location of existing walls and the difference in size between the north and south wings.

12. Construction of an interior corridor by reducing the size of the existing rooms was found to be impractical because such a hallway, retracing the existing route to the stairway, would require annexation of ninety percent of the area of the kitchen and fifty percent of the dining room.

13. Conversion of the existing semi-detached structure into a row dwelling would increase the allowable percentage of lot occupancy from forty to sixty percent. It is not possible to convert the subject structure into a row dwelling because the subject site abuts the rear yards of the adjacent dwellings rather than the side yards.

14. The subject dwelling presently exceeds the permitted lot occupancy by 174.945 square feet. Therefore, any addition to the structure would require variance relief.

15. The proposed addition is small and will be located within the existing courtyard area. The proposed addition will not be visible from the street nor from adjacent buildings.

16. Advisory Neighborhood Commission 2E made no recommendation in the subject application.

17. The file contains one letter in opposition to the application. The Board finds that the concerns raised in that letter address conditions existing in the Georgetown area in general rather than the merits of the subject application.

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 of a practical difficulty upon the owner arising out of some extraordinary or exceptional condition of the property. 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 regulations and the zone plan.

The Board concludes that the applicants have met this burden of proof in showing a practical difficulty inherent in this property. The size and shape of the existing building, the location and configuration of the circular stair, and the existing nonconformity of the subject dwelling are exceptional conditions which make it practically difficult to construct the proposed access hallway in conformity with the lot occupancy requirements. The Board notes that were the subject dwelling a row dwelling, similar to other dwellings in the square, the permitted lot occupancy would be sixty percent, and no variance would be required.

The Board further concludes that permitting the proposed addition in the interior courtyard 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 will not be visible to the adjoining properties and will permit a reasonable use of private property. Accordingly, it is hereby ordered that the application is granted.

VOTE: 3-1 (William F. McIntosh, Charles R. Norris and Douglas J. Patton to grant; Maybelle T. Bennett opposed to the motion; Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

14 JAN 1985

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."

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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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