

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14209, of Thomas E. and Cynthia S. Donley, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a rear addition to a single family dwelling in an R-1-B District at premises 3901 - 47th Street, N.W., (Square 1516, Lot 800).

HEARING DATE: November 14, 1984

DECISION DATE: November 14, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the northeast corner of the intersection of 47th and Sedgwick Streets. The site is in an R-1-B District and is known as premises 3901 47th Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are fifty feet on the north and south sides and 47.5 feet on the east and west sides. The lot area is 2,375 square feet.

3. The site is improved with a single family detached dwelling. The subject dwelling is a two-story brick and stone frame structure with a six foot front yard, a 10.6 foot side yard on the north side, a 1.4 foot side yard on the south side and a 16.2 foot rear yard on the east side.

4. There is access to and from the subject site through 47th Street and Sedgwick Street.

5. The subject lot 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.

6. The subject dwelling was constructed in 1942. The existing rear yard is 16.2 feet deep whereas the required minimum rear yard under the Zoning Regulations is twenty-five feet in depth.

7. The lot area requirement for an R-1-B District is 5,000 square feet. The subject site comprises 2,375 square feet, less than half of what is required.

8. The applicants purchased the subject dwelling in July of 1984, and have occupied it since then as their residence. At the time of the purchase, they had one two year old child, and since then they have had another child. The kitchen is very small, totalling 100 square feet in area. It is too small to accommodate the normal kitchen activities.

9. The applicants propose to construct a one-story expansion of the kitchen at the east or rear of the subject dwelling. The addition would be 5.9 feet wide and 9.6 feet long, with a 1.5 foot bay overhang six feet long. The new addition would provide an increase of approximately seventy-five square feet.

10. The addition will cover an area now occupied by an open wooden deck, which occupies an area bounded on two sides by the walls of the building. The deck does not now extend past the rear wall of the dwelling, except for stairs leading to the ground.

11. The proposed addition would extend 1.75 feet further to the rear than the present rear wall, and would necessitate a variance of 10.55 feet from the rear yard requirements of Sub-section 3304.1 of the D.C. Zoning Regulations. Because of its location primarily in the court of the building, the addition would not adversely effect light and air to adjoining properties.

12. The applicants argued that because of the location and layout of the existing dwelling, and the location of the kitchen, it is impractical to expand in any direction but east. The applicants supported this argument with photographs of the house, architectural drawings and a verbal description of the interior which describes the small rooms surrounding the kitchen that will not allow expansion within. The Board so finds.

13. Advisory Neighborhood Commission 3D made no recommendation on the subject application.

14. There was no opposition to the application at the public hearing or of record.

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 of the zone plan.

The Board concludes that the applicants have met the burden of proof. The subject lot is a non-conforming lot. It meets the minimum width requirements of fifty feet, but is only 47.5 feet deep. Its total area is 1,375 square feet, far below the 5,000 square feet required under the Zoning Regulations. With the property extending only six feet in front of the house, 1.4 feet to one side, and 10.6 feet on the other side, the applicants have a practical difficulty inherent in the site. The Board further notes that there is an existing wooden deck and roof slightly smaller than the proposed addition that will be replaced by the addition. The addition will not obstruct light and air to adjoining residences nor will it cause any other adverse impacts. 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: 3-0 (William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

19 DEC 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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