

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14228, of Leroy Harris, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1), the lot occupancy requirements (Sub-section 3303.1) and the open court width requirements (Sub-section 3306.1) to construct a deck addition to a single family residence in an R-2 District at premises 1235 Delafield Place, N.E., (Square S-3982, Lot 1).

HEARING DATE: January 16, 1985

DECISION DATE: February 6, 1985

FINDINGS OF FACT:

1. The subject site is located on the south side of Delafield Place between 13th Street and Sargent Road and is known as premises 1235 Delafield Place, N.E. It is in an R-2 District.

2. The subject site is basically rectangular in shape and flat. There is a sixteen foot wide public alley to the rear and a sixteen foot wide public alley to the west of the site.

3. The site has a depth of 107.33 feet and a width of 20.10 feet. The site is improved with a two-story semi-detached single family dwelling which was constructed prior to May 12, 1958, the effective date of the present Zoning Regulations.

4. The subject site is non-conforming. The R-2 District prescribes a minimum lot area of 3,000 square feet, a minimum lot width of thirty feet and a minimum side yard of eight feet. The site provides a lot area of 2,069.33 square feet, a lot width of 20.1 feet and a side yard to the west of three feet.

5. The subject structure is also non-conforming. The R-2 District provides for a maximum lot occupancy of forty percent or 827.73 square feet for the subject lot. The subject structure now occupies 884 square feet.

6. In June, 1984, the applicant had constructed a second store rear deck above the patio. No building permit was obtained for the construction. The applicant voluntarily seeks to legalize the construction of that deck.

7. The rear addition adds 281.4 square feet to the lot occupancy. The addition creates a 1.8 foot open court width. The applicant now seeks a variance from the lot occupancy requirements of 338.07 square feet, a five foot variance from the side yard requirements and a 4.2 foot variance from the open court width requirements.

8. The deck was constructed as an amenity for the applicant's wife. It provides privacy and the opportunity to be outdoors in season in a protected environment. The deck was designed to accommodate the family only.

9. Advisory Neighborhood Commission 5A filed no recommendation on the application.

10. The two property owners adjacent to the subject site submitted letters to the record stating that they had no objections to the deck. It did not violate their privacy nor did it interfere with their light and air.

11. There was no opposition to the application at the hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, 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 will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met his burden of proof. The practical difficulty is inherent in the land because of its physical condition as to its size. The subject structure was built prior to the adoption of the current Zoning Regulations. The Board notes the approval of the adjoining neighbors and the lack of opposition. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Douglas J. Patton to grant; Maybelle T. Bennett and 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: 23 APR 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."

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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