GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14230, of Nan L. Nave, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12), the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12), the open court width requirements (Sub-section 3306.1 and Paragraph 7105.12) and from the prohibition against enlargement of a structure which now exceeds the lot occupancy (Paragraph 7105.12) for a proposed addition to an existing single family row dwelling in an R-4 District at premises 302 G Street, N.E., (Square 777, Lot 58).

HEARING DATE: January 23, 1985
DECISION DATE: February 6, 1985

FINDINGS OF FACT:

1. The subject site is located on the north side of G Street between 3rd and 4th Streets, and is known as premises 302 G Street, N.E. The site is in an R-4 District.

2. The site has a width of 16.50 feet and a depth of 67.0 feet. It is improved with a two story and basement brick row house. There is a two-story porch on the rear of the structure. The structure was built prior to 1900.

3. The site is non-conforming. The Zoning Regulation for an R-4 District require a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, a rear yard measuring a minimum of twenty feet and where an open court is provided, a minimum width of six feet. The subject site provides a lot area of 1,105.5 square feet, a lot width of 16.5 feet, a lot occupancy of 161.7 square feet in excess of the sixty percent lot occupancy, a rear yard of seven feet and an open court width of five feet.

4. The existing rear porches are rotted and unsafe. The applicant proposes to replace them. The first floor new porch will be of the same size as the replaced porch. The second floor new rear addition will extend the replaced one by approximately a two foot overhang. The entire addition contains 115 square feet.

5. The applicant seeks a lot occupancy variance of 276.7 square feet, a thirteen foot rear yard variance, an

open court width variance of one foot and a variance from the prohibition against enlarging a structure which exceeds the lot occupancy requirements.

6. The subject structure extends deeper into its rear yard than do the contiguous row structures. The applicant's dwelling acts as a windbreaker for the houses to the east of hers and that the subject structure receives the full effect of the wind coming in from the west. When it rains or snows, there is a buildup of dampness and wetness on the back area of the house. It is anticipated that the proposed overhang on the second floor level will provide protection against the natural elements.

7. The proposed addition does not increase the existing non-conformity of the rear yard or the open court width.

8. Advisory Neighborhood Commission 2C filed no recommendation on the application.

9. Five letters in support of the application by property owners to the immediate north of the subject site and an adjacent property owner to the east of the site were submitted to the record. The grounds of support were that the existing condition of the rear porches was unsightly and the proposed refurbishment would enhance the appearance of the neighborhood, would not cause a blockage of air or light to the surrounding properties and would beautify the neighborhood. The Board concurs.

10. There was no opposition to the application at the public hearing or of 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 application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met her burden of proof. The practical difficulty is inherent in the land because of its physical conditions as to size. The age of the structure also adds to the practical difficulty. 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: 4-0 (Charles R. Norris and William F. McIntosh to grant; Patricia N. Mathews and Carrie L. Thornhill to grant by proxy; 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 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.

14230order/LJPD