

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14231, of Anthony and Julia Parker, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a rear addition to a single family detached dwelling in an R-1-B District at premises 5109 Sherrier Place, N.W., (Square 1418, Lot 4).

HEARING DATE: January 23, 1985
DECISION DATES: February 6 and March 6, 1985

FINDINGS OF FACT:

1. The subject property is located on the north side of Sherrier Place, between Dana and Edmunds Place, west of MacArthur Boulevard and is known as premises 5109 Sherrier Place, N.W. It is zoned R-1-B.

2. The subject site is rectangular in shape, has a lot area of 3,125 square feet, a frontage on Sherrier Place of twenty-five feet and a depth of 125 feet.

3. The subject property is improved with a two-story, frame, detached single-family dwelling. The existing residence is small and contains 800 square feet of living space with a kitchen and living room on the first floor and two bedrooms and one bath on the second floor. The structure has no basement but has a cellar level with no windows.

4. The subject premises is nonconforming with regard to the lot area, lot width and side yard requirements for the R-1-B District. The Zoning Regulations require a minimum lot area of 5,000 square feet. The subject site has a lot area of 3,125 square feet. The minimum lot width required is fifty feet. The subject site has a lot width of twenty-five feet. The minimum required side yard is eight feet. The subject site provides a 0.6 foot side yard on the west side of the dwelling. The side yard to the east of the dwelling conforms with the requirements of the Zoning Regulations.

5. The applicant proposes to build a one-story addition to the rear of the existing dwelling. The proposed addition will add the space necessary for the applicant to provide living space, a dining area and a kitchen on the first floor level.

6. The addition as originally proposed would have extended sixteen feet into the rear yard and would be on line with the side walls of the existing dwelling. A variance from the side yard requirements of 7.4 feet, is, therefore, necessary.

7. If the applicant were required to provide two eight foot side yards, the width of the addition would be limited to only nine feet.

8. The adjacent properties to the east and west of the subject site are of the same approximate size and shape as the subject site. However, both adjacent residences currently have rear additions. The rear addition to the residence to the east of the subject site extends approximately twenty feet beyond the rear wall of the subject structure and is one-story in height. The addition to the residence to the west of the subject site extends approximately twenty-four feet beyond the rear wall of the subject dwelling and is two stories in height.

9. The proposed addition to the subject structure will not reduce the width of the existing side yards nor will it cause the property to exceed the permitted lot occupancy or encroach upon a required rear yard.

10. The record was left open for the applicant to submit letters from the adjacent property owners. The owner of 5107 Sherrier Place submitted a letter indicating he had no problems with the proposed addition. The applicant was unable to obtain a written submission from the elderly resident of 5111 Sherrier Place.

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

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

13. The Board granted the subject application at its public meeting of February 6, 1985. By letter received March 5, 1985, the applicant requested the Board to approve a modification of the approved plans to permit the proposed addition to extend an additional two feet into the rear yard. The proposed modification of plans would not require any additional variance relief. The Board granted the requested modification of plans at its public meeting of March 6, 1985.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing

of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that the nonconforming size of the lot, the small size of the existing dwelling and its configuration on the site constitutes an exceptional condition of the property. The Board further concludes that the applicant would suffer a practical difficulty if the Zoning Regulations were strictly applied in that no reasonable additional could be made to the existing structure.

The Board further concludes that the proposed addition will not be objectionable to nearby property owners and will not be inconsistent with the intent and purposes of the Zoning Regulations. The Board concludes that the requested relief can be granted without substantially detriment to the public good and without substantially impairing the intent purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

Vote to grant application at the Public Meeting of February 6, 1985: 4-0 (William F. McIntosh, Charles R. Norris and Douglas J. Patton to grant; Patricia N. Mathews to grant by proxy; Carrie L. Thornhill not voting, not having heard the case).

Vote to grant modification of plans at the Public Meeting of March 6, 1985: 3-0 (Douglas J. Patton and William F. McIntosh to grant; Patricia N. Mathews to grant by proxy; Charles R. Norris not present, not voting; 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."

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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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