

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14316, of Richard and Judith Meltzer, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a family room and deck in an R-1-B District at premises 3502 Runnymede Place, N.W., (Square 2003, Lot 71).

HEARING DATE: July 24, 1985
DECISION DATE: September 4, 1985

FINDINGS OF FACT:

1. The subject property, known as premises 3502 Runnymede Place, N.W. is located one lot west from the southwest corner of the intersection of Runnymede Place and Broad Branch Road, N.W. It is zoned R-1-B.
2. The subject site is rectangular in shape with a frontage of fifty-two feet and a depth of 90.25 feet. There is an alley fifteen feet wide to the rear of the property. The lot slopes gradually to the alley.
3. The subject property is improved with a single family detached dwelling, built in 1926. On May 12, 1958, the effective date of the current Zoning Regulations, the subject rear yard with a depth of 17 feet became non-complying.
4. The R-1-B District extends in all directions from the subject site and is developed with single family detached dwellings.
5. The applicants are seeking a variance from the rear yard requirements of the Zoning Regulations to allow the addition of a family room and deck to the rear of the existing house. The variance is necessary since the addition's extension into the rear yard will create a rear yard that measures less than twenty-five feet.
6. A second story porch exists on the rear of the house and was originally constructed at the same time as the house. It has since been rebuilt. The porch including the stairs to grade extends twelve feet into the required twenty-five feet set back area.

7. The proposed family room will be constructed where the existing porch stands. The dimensions will be thirteen feet three inches by sixteen feet and will extend seven inches beyond the existing porch stairs.

8. The proposed deck will also be on the rear of the house to the east of the proposed family room and will extend along the east side of the house as well. The dimensions will be thirteen feet four inches by nineteen feet four inches having the same depth as the proposed family room.

9. The applicants propose to exceed the dimensions of the existing porch since their maintenance would restrict the maximum room dimension to eight feet by twelve feet which would be inadequate for a family room. The proposed construction represents the minimum area that will adequately meet the needs of the owner while maintaining the character of the house and not impacting adversely on adjoining properties.

10. The buildable lot area of the subject site is severely restricted. The only areas available for matter-of-right construction are a three feet six inch strip on the west of the structure and a six feet wide area on the east. Neither space is suitable for the proposed use and providing access to these areas from the interior would require the reworking of all the major utilities in the kitchen and the stairs leading to the second floor and basement.

11. The applicants have owned and dwelled in the house on the subject site since 1981. Their family consists of a mother and father, a boy and two girls. They are expecting a fourth child.

12. There are three bedrooms on the second floor of the house, one for the parents, the second for the girls and a third that is used as a family room and will be converted to a nursery for the baby when it is born. The finished attic serves as a bedroom for the boy.

13. The family needs additional space for informal activities such as the children's play and study.

14. The proposed deck is intended to be an easily controllable and accessible play area for small children and a porch for family and friends.

15. The proposed family room would be located adjacent to the kitchen on the first floor making it ideal for the supervision of young children and not interferring with the flow within the house.

16. There is no room in the house that can be used as a family room or remodeled to serve as one. The basement and garage headroom is obstructed with pipes and allows a maximum clearance of seven feet. The clearance drops to the six feet eight inches in places. The basement area is cluttered with utilities and masonry bearing walls. The attic is needed as a bedroom.

17. The applicants have presented the proposal to all neighbors of adjoining property and have received no objections. The neighbors to the south, or rear, of the subject site have their view buffered and screened by the public alley and existing garage structures.

18. The applicant read a letter from Advisory Neighborhood Commission 3G at the public hearing. The letter reported the ANC's position not to oppose the subject application. Because it was not timely filed, the Board may not accord the ANC the "great weight" to which it would otherwise be entitled by statute.

19. 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 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 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 applicants have met their burden of proof. The practical difficulty is inherent in the property because of the existing nonconforming structure and the impractical configuration of the matter-of-right buildable lot area. The Board notes 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: 4-0 (Charles R. Norris, Patricia N. Mathews, William F. McIntosh 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:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 06 DEC 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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