

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14325, of Yoo-Chung Partnership, as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio (FAR) requirements (Sub-section 5301.1) for a proposed balcony enclosure to an existing office building in a C-2-A District at premises 4817 Georgia Avenue, N.W., (Square 3011, Lot 81).

HEARING DATE: September 18, 1985
DECISION DATE: September 18, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The application was amended at the public hearing to eliminate the request for a variance from Sub-section 7105.12 of the Zoning Regulations which prohibits the increase of the floor area ratio (FAR) of a nonconforming structure which now exceeds the FAR requirements. The applicant will limit the dimensions of the proposed enclosure to those of the original rear porch.

2. The subject site is located in the southeast corner of the intersection of Delafield Place, N.W. and Georgia Avenue, N.W. and is known as premises 4817 Georgia Avenue, N.W. It is located in a C-2-A District.

3. The subject site is a 2,520 square foot quadrilateral with a frontage of 25.12 feet along Georgia Avenue and 101.47 feet along Delafield Place. It has a frontage of 25.06 feet along a fifteen foot wide public alley to the rear or east of the site. The depth along the southern property line is 99.63 feet.

3. The subject site is improved with a two-story semi-detached brick structure.

4. The C-2-A District extends to north, south and west of the subject site. An R-3 District, predominantly developed with row dwellings, is located directly east of the subject site.

5. The applicant is seeking a variance from the FAR requirements, Sub-section 5301.1 of the Zoning Regulations, in order to enclose an existing balcony.

6. Paragraph 8207.11 empowers the Board to grant variances where by reason of exceptional narrowness,

shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece or property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map.

7. The allowable FAR for the C-2-A District is 1.5 or 3,780 square feet for the subject lot. The existing structure contains 3,972.76 square feet.

8. The subject structure was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. At that date the site became noncomplying.

9. The applicant will not extend the proposed balcony enclosure beyond the dimensions of the balcony which existed prior to 1958.

10. The applicant removed the pre-1958 balcony, which was in a dilapidated condition, when he purchased the property three years ago.

11. Construction had begun on the proposed addition when the application was filed.

12. The subject structure is occupied by a newspaper business. The first floor houses the printing and mailing functions. The second floor is devoted to editing activities.

13. The newspaper operation has expanded since it was begun three years ago. The paper was originally published twice weekly and is now published six times a week.

14. The enclosed balcony is needed for storage of back copies of newspapers which the business is required to maintain.

15. The subject site has an extensive rear yard with a set back of over thirty feet from the balcony to the rear property line.

16. By memorandum dated September 11, 1985, the Office of Planning (OP) recommended denial of the subject application on the grounds that the information submitted by the applicant failed to reveal a practical difficulty. In the opinion of the OP the lot is basically rectangularly shaped and relatively flat. The lot and the existing structure are

among the largest on the block owing in part to a corner location. The OP further reported that the balcony which the applicant seeks to enclose appears to be new construction rather than an existing integral component of the subject structure. Despite the small size of the addition and the buffer provided by the rear yard set back and garage, the OP determined the lack of a practical difficulty sufficient grounds to recommend denial of the application.

17. At the public hearing, the OP reported that it would not oppose the application as amended to construct the enclosed balcony only along the dimensions of the original balcony as it existed prior to 1958. The Board concurs.

18. Advisory Neighborhood Commission 4D submitted no recommendation on the subject application.

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

20. The application was granted on the condition that the proposed porch enclosure not exceed the width and depth dimensions of the original porch. At the public meeting of October 2, 1985, the Board reviewed the plat submitted by the applicant evidencing the original porch dimensions.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is 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.

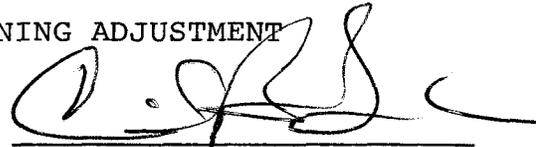
The Board concludes that the applicant has met its burden of proof. The practical difficulty is inherent in the site because of the existing noncomplying structure. The applicant can not reasonably be expected to increase the lot area of the site to bring it into compliance since it is bounded on three sides by public right-of-ways and on the fourth by a structure which extends from property line to property line. The Board notes the lack of opposition. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the dimensions of the proposed balcony enclosure not exceed those of the original porch as indicated in the surveyor's plat marked as Exhibit No. 22 of the record.

VOTE: Public Hearing of September 18, 1985: 3-1
(Maybelle T. Bennett, Charles R. Norris and Carrie L. Thornhill to grant as amended, William F. McIntosh, opposed; Douglas J. Patton not present, not voting).

VOTE: Public Meeting of October 2, 1985: 4-0 (Maybelle T. Bennett, Charles R. Norris, Carrie L. Thornhill and William F. McIntosh to grant as conditioned).

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

ATTESTED BY:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 17 JAN 1986

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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