

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14415, of Richard D. and Susan M. Lacey, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Sub-section 7105.1) for a proposed addition (dormer) in a C-2-A District at premises 730 11th Street, S.E. (Square 995, Lot 836).

HEARING DATE: April 16, 1986

DECISION DATE: April 16, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The property, known as premises 730 11th Street, S.E., is located on the east side of 11th between I Street and G Streets.
2. The premises, a complex residential structure and a commercial printing shop, encompasses a great portion of Lot 836.
3. Pursuant to Sub-section 7105.1, Paragraph 7105.12, applicants are seeking a variance from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements.
4. Applicant wishes to convert the residential structure into three two bedroom units, occupying both floors and the attic of the building. Applicant plans to live in one of the units with his family.
5. In order to ventilate properly the attic room and make it operable as a bedroom, applicant plans to construct a dormer window. The pitched roof of the attic would make sleeping in the summer quite unbearable without ventilation.
6. The new window would not affect the street from 11th Street, since it would face the rear, looking towards the Potomac Public Housing complex.
7. Applicant plans to construct the window by removing a section of the roof and constructing a wall which extends 30 inches above the existing roof to lift the new roof and accommodate the new window. The length of the new roof would be twenty feet.

8. Before applicant planned to renovate, the residential structure had remained vacant for a period of eight years because of safety reasons. Before that time, only the first floor had been occupied: half was a church and the other half was inhabited by a family. Under applicant's plan, three new residential units will be completed, supplying housing to the area.

9. There were no letters of opposition.

10. The Advisory Neighborhood Committee did not file a recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking area variance relief, the granting of which require the applicants to demonstrate that the property is affected by an exceptional situation or condition, that a strict application of the regulations will result in practical difficulty and undue hardship on the owner, and that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, or integrity of the zone plan.

Under Paragraph 7105.12 of Sub-section 7105.1, enlargements or additions may be made to nonconforming structures devoted to conforming uses provided that such structure is conforming as to the percentage of lot occupancy, and further provided that the addition or enlargement itself is conforming as to use and structure, does not increase or extend any nonconforming aspect of the structure, and does not create any new nonconformity of structure and addition combined.

Applicant seeks to construct a dormer window on a nonconforming structure devoted to a conforming use. Although the addition does not increase the lot occupancy, construction is still prohibited because the original structure already exceeds the lot occupancy percentage allowed under the Zoning Regulations.

While the applicant has occupied the printer shop for fourteen years, the rest of the structure has remained vacant for the past eight years because of safety concerns. Previously, a family had occupied half the first floor of the structure, and a Church had occupied the other half. Applicant plans to renovate the structure by constructing three two bedroom residential dwellings, occupying one for themselves. The addition of the dormer window in the attic bedroom of one of the units is required to provide proper ventilation. Prohibition against the construction of the window amounts to a practical difficulty, since the applicant will not be able to occupy completely the structure.

Appropriate relief can be granted without substantial detriment to the public good. On the contrary, the construction of the dormer window will result in increased living space. Increased housing can only benefit the public, especially in the Washington area where housing is a major problem. Considering the benefits gained, the variance is minor. The addition will only affect an area of sixty-five square feet, which cannot be seen from the front of the structure. Only a window is being constructed. The dormer window remains an important part in the renovation plan, since it allows for the proper ventilation of an additional bedroom.

The structure has remained vacant for eight years. Applicant proposes a plan that will allow for the development of three two-bedroom residential dwellings. The addition of the dormer window will allow maximum utility of the structure for residential purposes without substantial detriment to the public good. Accordingly, the Board concludes that the applicant has met the burden of proof and is entitled to area variance relief. It is ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett, and Carrie L. Thornhill, to grant).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

AUG 15 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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