

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14416, as amended, of Earlene Taylor, 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), and from the prohibition against allowing an addition to a nonconforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) to construct an addition (conversion of a garage to living quarters) to a single family residence, a nonconforming structure, thus constituting a flat, in an R-4 District at premises 500 Kenyon Street, N.W., (Square 3048, Lot 52).

HEARING DATE: May 14, 1986
DECISION DATE: June 4, 1986

FINDINGS OF FACT:

1. The application was amended at the public hearing to eliminate the relief originally requested from the prohibition against eliminating a required parking space (Paragraph 7201.42 of the Zoning Regulations). The applicant is providing a legal parking space at the premises.

2. The site is located at the southwest intersection of Warder and Kenyon Streets, N.W. It is known as premises 500 Kenyon Street, N.W. and is in an R-4 District.

3. The site is rectangular in shape with a frontage of 22 feet along Kenyon Street and 88 feet along Warder Street. A 12 foot wide public alley is adjacent to the rear of the site.

4. The R-4 District extends in all directions from the site. The surrounding area is primarily developed with single family row dwellings and apartment buildings.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12 of the Zoning Regulations), the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12), and from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) to construct an addition (conversion of a garage to living quarters) to a single

family residence, a non-conforming structure, thus constituting a flat.

6. The main structure on the site was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. It exceeds the current lot occupancy allowance and is a non-conforming structure.

7. A second-story addition was constructed on the existing garage-shed building to the rear of the site and the applicant now seeks variance relief for the addition already constructed and to add a kitchen and passageway to the structure.

8. The addition is adjacent to the rear lot line. A rear yard of ten feet is required. The original structure occupied 1,353 square feet and exceeds the allowable lot occupancy for the site. The addition will occupy 112.63 square feet of the lot for a total lot occupancy of 1,465.63 square feet. A lot occupancy of only 60 percent is allowed.

9. The perimeters of the former garage are not changed by the application.

10. A passageway 26 feet, five inches long and approximately three feet wide, will connect the existing residence to the proposed residence.

11. The proposed residence will contain a kitchen, living, dining room and powder room on the first floor and a bedroom and bathroom on the second floor.

12. The elderly mother of the applicant will inhabit the flat. The mother is now living on the back porch of the original structure.

13. The Single Member District Advisory Neighborhood Commission for 1A of 1810 testified at the public hearing that a parking space should be provided at the site and that the height of the addition should be reduced. ANC 1A filed no recommendation on the application.

14. Two neighbors of the site submitted a letter to the record in opposition to the application on the grounds that the addition blocks the view of other home owners. The Board notes that the applicant required no variance from the height limitations.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of 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 relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The allowable lot occupancy for the site is 60 percent, or 1,161.6 square feet. The existing structure of 1,353 square feet now exceeds that percentage and is a nonconforming structure. A variance is sought from paragraph 7105.12 to allow an addition to a non-conforming structure which now exceeds the allowable lot occupancy. The addition will add 112.63 square feet creating a structure of 1,465.63 feet which will exceed the allowed occupancy by 304.03 square feet or 26.17 percent. This requires the applicant to seek a variance from Section 3303.1. The applicant is also seeking a variance from Sub-section 3304.1 which requires that a 20 foot rear yard be provided. Thus, a variance of 20 feet, or 100 percent is required as no rear yard will be provided. The rear two story addition occupies this area.

The Board concludes that the applicant has met the burden of proof. The foot print of the existing garage will not be increased. The garage is now located adjacent to the rear property line which is bounded by a public alley. A narrow passageway will connect the two structures. The addition is visually aligned with the existing structure.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that one legal parking space shall be provided on the site.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh, Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:



EDWARD L. CURRY
Acting Executive Director

AUG 15 1986

FINAL DATE OF ORDER: _____

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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