

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14441 of Helen and Ted Levine, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12); the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12); the side yard requirements (Sub-section 3305.1 and Paragraph 7105.12); and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) to construct an addition to a nonconforming structure in an R-1-B District at premises 2800 University Terrace, Northwest (Square 1423, Lot 16).

HEARING DATE: June 25, 1986

DECISION DATE: June 25, 1986 (Bench Decision)

FINDINGS OF FACT:

1. Lot 16, the southern most lot on University Terrace, is located at the intersection of University Terrace and Dana Place, N.W. The premises is known as 2800 University Terrace, N.W. and is situated in an R-1-B District.

2. The lot is on the side of a steep hill. It is triangular, bound by the two streets and the neighboring property line to the north and northeast. The land rises thirty feet from the southeastern corner to the northeastern corner of the lot. The only flat area is the existing rear yard: a level, triangular area approximately thirty feet on each side. The grade continues to rise steeply to the neighboring lot.

3. The house on the premises is modern in style. At the time it was built, the house was noted as a nonconforming structure, since it exceeded the lot occupancy requirements by one percent. It is a steel and glass structure with strong horizontality, emphasized by a flat roof and deck on the southern side of the house. According to the architect, its design is based on a modular system with a repetitive series of steel columns and beams exposed inside and outside. The rhythm of the columns and the glass fenestration is consistent, insistent, and essential to the balance and proportions of the house. Its structural design will not allow for an addition on top of the existing house.

4. The applicants wish to build a one room, family room addition in order to supplement much smaller living

room and bedroom spaces. The applicants and their two teenage sons presently occupy 2,500 square feet.

5. The addition, located on the flat rear yard, would consist of one large room. This living space would be approximately twenty-two feet square, under 490 square feet (or 563 square feet with roof overhangs), consistent with the existing architecture. Designed within the unusual lot, stylistic, and structural constraints, the addition is one story and recessed into the grade allowing the neighbors' view over the site to remain unobstructed. It has been shifted away from the neighboring property, yet still maintaining access to the existing kitchen. The resulting side yard is not uniform due to the angled lot line. The addition was designed in the same style as the existing house; the structural rhythms were repeated and the horizontal lines extended. A new roof structure requires the addition to be slightly higher than the existing house.

6. In order to complete the addition, the applicants' plan to construct the room, approaching close to University Terrace. Because to the steep slope of the lot, applicants' had been forced to achieve access with a drive way stemming from Dana Place. This necessity results in the space between the existing house and University Terrace being considered the rear and side yards of the home for zoning purposes.

7. The applicants seek several area variances in order to complete the addition. First, they seek a variance from the prohibition against allowing an addition to a nonconforming structure which now exceeds the lot occupancy requirement. Since this new addition will occupy significant portions of the reported rear and side yards, the applicants seek variances from the minimum depth requirements of rear and side yards. Lastly, the applicants seek a variance from the percentage of lot occupancy requirement in an R-1-B District.

8. Advisory Neighborhood Commission 3D filed no opinion on the application.

9. There was no opposition to the application.

CONCLUSION OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking area variances from the prohibition against allowing an addition to a nonconforming structure which now exceeds the lot occupancy requirements and which does not meet the minimum measurements for rear, side, and lot dimensions. Under paragraph 8207.11 of the Zoning Regulations, area variance relief requires a showing of practical difficulties on the owner of the property. These difficulties must arise from the property itself. Furthermore,

it must be demonstrated that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations and Plans.

Since the existing nonconforming structure is devoted to a conforming use, any enlargement or addition must meet the requirements of Paragraph 7105.12 of the Zoning Regulations:

7105.12 Enlargements or additions may be made to such structure provided such structure is conforming as to 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 existing nonconforming aspect of the structure, and does not create any new nonconformity of structure and addition combined.

Applicants seek a variance from this requirement because their addition is to a structure which does not conform to the percentage of lot occupancy limitations.

As a consequence of the proposed addition, rear yard, side yard, and total percentage of lot occupancy will also be affected. Rear yards are governed by Paragraph 3304.1 of the Zoning Regulations which mandates that for each structure located in an R-1-B District, a minimum depth of twenty-five feet is required. Paragraph 3305.1 sets the standards for side yards; an R-1-B District requires a minimum width of eight feet. Under Paragraph 3303.1, no structure shall occupy its lot in excess of forty percent in an R-1-B District.

The additional room on the applicants' home will require area variances from these three paragraphs, since the proposed addition will occupy a majority of the area considered the rear and side yards for zoning purposes. The Board concludes that the applicants have demonstrated satisfactorily the practical difficulties inherent in the property and have successfully proved the basis for area variance relief.

First, the lot itself limits severely the type of addition (not to mention structure) which can be built. Triangular in shape, the lot had a steep incline which has its lowest point along University Terrace. The only practical vehicle and pedestrian access to any structure built has to stem from Dana Place, since this street follows the incline of the lot. Because of this factor, the main entrance and front yard of the applicants residence is reversed, making the space between the house and University Terrace side and rear yards. Furthermore, it is this rear and side yard area which provides the only flat area on which an addition can practically be constructed.

Second, the house is of such an unique design as to dictate the design of any addition. The structural and practical design of the structure will not allow the addition of a second floor. Furthermore, even if such construction were possible, the harmony and balance of the complete house would be affected adversely. Moreover, the house is situated so elevated as to block the panoramic view of neighbors, if the applicants added a second story. Therefore, the proposed addition built on the flat area of the rear and side yards constitutes the only practical alternative from the difficulties imposed by the property itself. The Board concludes that such factors do constitute practically difficulties on the owner of the property. Therefore, the Board is able to grant the area variances subject to the condition herein without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. Accordingly, it is ORDERED that the area variances are GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No.7 of the record.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, John G. Parsons, 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 25 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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