

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14466, of Rosetta Cross Little, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements Sub-section 3303.1 and the floor area ratio requirements Sub-section 3302.1 to construct a rear addition to a row dwelling in a R-5-A District at premises 5016 North Capitol Street, N.W., Square 3404, Lot 23.

DECISION DATE: July 9, 1986

HEARING DATE: July 9, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The premises is located on the west side of North Capitol Street with Gallatin Street to the north and Farragut Place to the South. It is known as 5016 North Capitol Street, N.W., Square 3403, Lot 23.

2. The neighborhood is residential and consists of row houses. There are no significant differences between the applicant's residence and the others in the neighborhood.

3. The property is improved with a two story row house with basement. The first floor contains a kitchen, dining room and living room. Three bedrooms and a bath are located on the second floor. The basement is not finished and contains a furnace and a bathroom.

4. The applicant has a history of serious back problems and has had several back operations. She is unable to climb the stairs in her home without much pain and great difficulty. Presently the applicant sleeps on the first floor on her living room couch because she is unable to climb the stairs to the bedrooms on the second floor. The dwelling has no bathroom on the first floor, thus the applicant uses portable sanitation facilities. The applicant proposes to make an addition to the rear of the first floor so that she will have space to place a bed.

5. The applicant can not expand on either side because the dwelling is a row house. The applicant could build upwards, on top of the existing structure, without relief but this would defeat her purpose in trying to avoid using stairs. The rear yard will be 40.98 feet in depth

with the proposed addition. A 20.0 foot rear yard is required under the Zoning Regulations.

6. The applicant is requesting a variance from the lot occupancy and floor area ratio (FAR) requirements. In an R-5-A District the lot occupancy requirement is 40%. The proposal will add 196 square feet to the lot occupancy. This addition will increase the lot occupancy 124.15 square feet over the zoning requirements. Additionally, in an R-5-A District the FAR requirement is 0.9. The proposed addition will add 428.68 square feet to the FAR increasing it by 123.01 square feet over the requirements.

7. The Advisory Neighborhood Commission (ANC) filed a letter dated June 30, 1986. The ANC reported that it lacked sufficient information to make any decisions on the application.

8. The Board is required by law to give "great weight" to the issues and concerns of the ANC when they are reduced to writing. There were no issues and concerns for the Board to consider and give "great weight".

9. There was no opposition to the application.

10. The proposed addition will be funded by the District of Columbia Department of Housing who granted the applicant a Single Family Rehabilitation Loan. This loan will also fund other repairs that will bring the dwelling up to code.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances pursuant to Paragraph 8207.11 of the Zoning Regulations, from the lot occupancy requirements and the floor area ratio requirements, to construct a rear addition to a row dwelling.

Under Paragraph 8207.11 the Board has the power to grant an area variance if the strict application of any regulation would result in practical difficulties to the owner, provided that 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.

The Board concludes that the applicant's poor health dictates she have an addition to alleviate stair usage. The practical difficulty the owner is faced with arises from the expansion. It is not possible to expand on either side of the dwelling because it is a row house. To expand upward, above the existing structure, creates more stairs and thus defeats the purpose behind the application. The rear is the

most practical space for an addition. However, an addition to the rear would exceed the lot occupancy and FAR requirements. If a variance from the strict application of these requirements is not permitted the applicant would not be able to make the addition that would provide her basic comfort. The Board further concludes that the addition will not result in substantial detriment to the neighborhood or substantially impair the intent of the zone plan.

It is the opinion of the Board that since the applicant must use portable sanitation facilities that her addition should also include, at the very least, a powder room. If more money is provided to the applicant by the District of Columbia Department of Housing the Board encourages including a powder room at the very minimum. The Board is of the opinion that it will not be necessary for the applicant to come before this Board if further relief is required. It is so ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, Patricia N. Mathews, Paula L. Jewell, William F. McIntosh 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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