

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14470 of Pamela S. Horowitz, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a one-story rear addition to an existing dwelling in a R-1-B District, at premises 6002 - 34th Place, N.W., (Square 2010 Lot 35).

HEARING DATE: July 23, 1986

DECISION DATE: July 23, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The property is located in the southwest quadrant of the cul-de-sac at the end of 34th Place, N.W., south of Rittenhouse Road, east of Broad Branch Road, and north of Quesada Street. The premise is known as 6002 34th Place, N.W. It is located in Square 2010, Lot 35 in an R-1-B District.

2. The property is pie-shaped with an approximate 20 foot width in front and an approximate 75 foot width at the rear. The lot area is 3580.00 square feet. The property is improved with a two-story brick and stucco, detached single family dwelling. A 16 foot wide public alley borders the rear of the property. The neighborhood consists of single family detached dwellings.

3. The dwelling was constructed in 1933 prior to the current Zoning Regulations which became effective in 1958. Under these regulations the property became a non-conforming site. The Zoning Regulations specify that the minimum lot area be 5000 square feet, the minimum lot width be at least 50 feet, a rear yard be 25 feet and side yards be at least 8 feet on both sides. The property has a lot area of 3580 square feet, an average lot width of 40.5 feet, a rear yard of 15 feet and side yards of 5.1 feet and 7.05 feet.

4. The applicant seeks a variance from the rear yard requirement under Sub-section 3304.1 of the Zoning Regulations which requires that any residence in an R-1-B District have a minimum rear yard depth of twenty-five feet.

5. The applicant proposes to build a one-story addition to the rear of the existing dwelling. The proposed addition will be constructed to match the existing dwelling

and will provide necessary access table space adjacent to the kitchen, as well as direct access to a bricked rear side patio.

6. The building area of the property is severely restricted. The only suitable place to build is at the rear. Expanding the front of the building is precluded by the building restriction line. The side yards are too small for an expansion. The most practical place to expand is the rear adjacent to the kitchen and rear patio.

7. The existing structure is set back from the rear property line fifteen feet. The proposed addition will set back one foot from the property line. Thus, a variance of twenty-four feet or ninety-six percent is required from Sub-section 3304.1.

8. The proposed addition to the subject structure will not reduce the width of the existing side yards nor will it cause the property to exceed the permitted lot occupancy of forty percent.

9. The Advisory Neighborhood Commission (ANC) 3G reported in a letter, dated July 8, 1986, a unanimous vote not to oppose the application in the absence of reasonable neighborhood objection. At the time of the hearing there had been no opposition.

10. The Board is required by law to give "great weight" to the issues and concerns of the ANC if they are reduced to writing. The Board noted the ANC concern over neighborhood opposition. There was no opposition and the Board approved the application.

11. There was no opposition to this application at the hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking an area variance, pursuant to Paragraph 8207.11 of the Zoning Regulations, from the rear yard requirements, Sub-section 3304.1, to construct a one-story rear addition to an existing 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 practical difficulty to the owner is the pie-shape of the lot. If the regulations are strictly adhered to the applicant would be

unable to have an addition. The building restriction line at the front of the lot and the small size of the side yards preclude any expansion except to the rear. Further, the internal configuration of the dwelling warrants the addition be in the rear. The kitchen is in the rear, thus it would not be feasible to locate a dining room at the front or side of the house.

The Board further concludes that this rear addition will not have a detrimental affect on the public good or intent of the zone plan. The dwelling is a detached house, therefore, the addition will not block the light, air or ventilation of the neighbors. The proposed addition will face an alley and the sight line will be unaffected. The Board concludes that it has given the ANC the "great weight" to which it is entitled. Accordingly, the Board ORDERS that the application be GRANTED.

VOTE: 4-0 (Charles R. Norris, 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 29 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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