

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14479 of Dion and Jenny K. Johnson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Paragraph 7105.12), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) and the floor area ratio requirements (Sub-section 3302.1 and Paragraph 7105.12) for a proposed addition of a bay window to a nonconforming structure in an R-5-B District at premises 629 G Street, S.E., (Square 878, Lot 153).

HEARING DATE: September 24, 1986

DECISION DATE: September 24, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of G Street between 6th and 7th Streets, S.E. and is known as 629 G Street, S.E. It is in an R-5-B District.

2. The site has a lot area of 2673.17 square feet and is improved with a three story brick flat and a carriage house built about 1800.

3. The flat and the carriage house constitute a non-conforming structure since together they exceed the lot occupancy and floor area ratio (FAR) requirements of the current Zoning Regulations which became effective on May 12, 1958.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicants are seeking variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirement (Paragraph 7105.12) the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) and the floor area ratio requirements (Sub-section 3302.1 and Paragraph 7105.12) to allow the construction of a bay window to the existing house.

5. In BZA Order No. 13060, dated December 7, 1986, the Board granted variance relief encompassing the above mentioned variance requests to allow the construction of a rear addition to the structure. The addition was never constructed and the Board's approval expired.

6. The proposed bay window will replace an existing window and will extend 19 inches out from the rear wall. It will be located ten feet above the ground. The addition will be 6.75 square feet in area.

7. The proposed bay will enlarge the kitchen to the minimum extent necessary to provide a sit down space for meal preparation and limited family eating. It will also enhance the view from the patio in the back yard. As the bay window will be located on the south side of the structure it will also serve as a source of passive solar heating.

8. The bay is also intended to improve the appearance of the deteriorating existing brick wall.

9. The bay window will not impede the light or circulation of air to the basement apartment. The window will not restrict the use of the yard in any way.

10. The proposed window will not be obtrusive to either abutting neighboring property. The view from the north side is mostly blocked by a high, solid wood fence. The yard of the neighbor on the south side is four feet below the subject yard separated by a three foot fence covered with vines.

11. By letter dated September 17, 1986, Advisory Neighborhood Commission (ANC) 6B reported its support of the application for the following reason:

- a. An evidentiary finding that BZA #13060 (approved 12/7/79) granted a variance, in part for the applied-for purpose;
- b. An absence of opposition from neighboring residents;
- c. The finding that the need for a variance stemmed largely from the presence of a preexisting carriage house;
- d. There is no detriment to neighboring property; and
- e. There appears to be no harm to the Capitol Hill Historic District, or the zoning plan.

The Board concurs with the reasoning and recommendation of the ANC.

12. The Zoning Committee of the Capitol Hill Restoration Society reported that it voted to support the application since:

- a. The proposed construction will not interfere with the access to light and air of any neighbors.
- b. The proposed construction will improve the appearance of the building.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing of a practical difficulty stemming from the property itself. The applicants are seeking a variance from the provisions of section 7105.12 of the Zoning Regulations allowing an addition to a nonconforming structure now exceeding the percentage of lot occupancy. The applicants are also seeking a variance from the FAR requirements which allow a FAR of 1.8 or a 4811.40 square foot structure. The structure now has a total floor area of 7,759.05 square feet. The addition will increase that figure to 7,765.80 square feet creating a structure which exceeds the FAR allowance by 2,954.40 square feet or 61.40 percent. The applicants are also seeking a variance from the allowable percentage of lot occupancy which allows a 60 percent, or 1,603.80 square feet, lot occupancy. The addition will result in a structure occupying 2,159.60 square feet exceeding the allowed lot occupancy by 555.80 square feet or 34.70 percent.

The Board concludes that the applicants have met the burden of proof. The Board notes the age of the subject property. The buildings were in existence prior to the current Zoning Regulations, effective May 12, 1958. At that time the structure became non-conforming. The Board further concludes that the variance relief of 6.75 square feet is minimal. The Board further concludes that the application can be granted 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 Application is GRANTED.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 17 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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