

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14502 of Laurence Lomax, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against an enlargement to a nonconforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) for a proposed rear addition to an existing dwelling in a R-5-A District at premises 1957 Biltmore Street, N.W., (Square 2546, Lot 41).

HEARING DATE: November 12, 1986

DECISION DATE: November 12, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site known as premises 1957 Biltmore Street N.W. is located on the north side of Biltmore Street. It is in an R-5-B District.
2. The site is quadrilateral in shape with a frontage of 45 feet along Biltmore Street. The side property line to the east measures 107.44 feet. The side property line to the west measures 114.14 feet. The rear property line measures 25.13 feet and is adjacent to a 16 foot wide public alley.
3. The site is improved with a three story brick building constructed prior to May 12, 1958 the effective date of the current Zoning Regulations. At that date the structure became nonconforming by exceeding the allowed lot occupancy percentage.
4. The R-5-B District extends in all directions from the subject site. The surrounding area is developed primarily with row dwellings and a number of apartment houses.
5. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking a variance from the prohibition against an enlargement to a nonconforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) to construct a rear addition to the structure.
6. The addition will enlarge the second floor by 187 square feet and the third floor by 363 square feet. The addition will provide storage area on the second and a bedroom and bathroom on the third floor.

7. The proposed addition will not increase the lot occupancy.

8. Advisory Neighborhood Commission 1C filed no reported on the application.

9. A letter of support for the application was submitted by the neighbor living directly behind the site. He stated that the proposed residential improvement would add to the livability of the city and be an attractive addition for him to look at.

10. A letter in opposition to the application was submitted by the neighbor living to the east of the subject site directly across the ten foot wide alley. He stated that the addition will prevent the afternoon sunshine from falling on the windows on the side of his house and his garden and the subject lot is significantly wider and larger in area than others in the square and it already exceeds the allowed lot occupancy. The Board recognizes that the structure is a nonconforming structure as to lot occupancy but notes that the addition will not increase the lot occupancy. The foot print of the building will remain the same. The addition will not cause the structure to exceed the floor area ratio requirements (FAR) or the height or story limit. The Board further finds that no substantive evidence had been presented to demonstrate that the addition will have an adverse effect on the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, 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 Board concludes that the applicant has met the burden of proof. The subject structure is a nonconforming structure. It currently exceeds the allowed lot occupancy of 60 percent or 2,302.77 square feet by 1.09 percent or 25.06 square feet. The applicant is seeking a variance from section 7105.12 to construct an addition to a non - conforming structure which already exceeds the percentage of lot occupancy. The Board concludes that the addition will not increase the lot occupancy of the structure and will add minimal square footage to the second and third floors of the structure. The addition will meet the FAR and height requirements of the Zoning Regulations. 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.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell, 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: _____

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.

14502order/DON27