

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14507, of Elbert and Etta Woodson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct an addition to a dwelling in a R-3 District, at premises 3335 Dix Street, N.E., (Square 5002, Lot 76).

HEARING DATE: November 19, 1986
DECISION DATE: November 19, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3335 Dix Street, N.E., is located on the south side of Dix Street between 34th Street and Anacostia Avenue. It is in an R-3 District.
2. The site is rectangular in shape with a frontage of 16 feet along Dix Street and a depth of 72 feet. A 16 foot wide public alley is located to the rear of the site. The site is improved with a two story brick row dwelling built in approximately 1940.
3. The R-3 District extends in all directions from the site. Adjacent properties are developed with single family row dwellings. The River Terrace Elementary School Building is located across Dix Street to the north of the site.
4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking a variance from the rear yard requirements (Sub-section 3304.1) to construct an addition to the structure.
5. The proposed addition will be two stories with a sitting/playroom on the first floor and a bedroom on the second floor.
6. The addition is proposed to be 10 feet in depth with a width of 16 feet.
7. The applicant proposes to utilize an existing concrete foundation which extends 10 feet from the rear of the structure.
8. The R-3 District requires a minimum lot area of 2,000 square feet and a minimum lot width of 20 feet. The subject lot is presently non-conforming as to lot area,

containing only 1,152 square feet and lot width, being only sixteen feet wide. The lot is also only seventy-two feet deep.

9. The maximum allowable lot occupancy is 691.2 square feet. The existing building occupies 416 square feet. The lot occupancy of the structure with the proposed addition would be 608 square feet.

10. There is a fifteen foot building restriction line at the front of the lot. The house is further set back approximately nine additional feet from the street.

11. There are several dwellings in the same square as the subject structure with rear additions that encroach upon the required rear yards for approximately the same depth as the proposed addition. These existing additions appear to have created no adverse effects. The structure directly adjacent to the subject structure has an addition located to its rear which is to the same depth as that of the proposed addition.

12. The structure is currently a two bedroom home which accommodates the applicants' four person family.

13. The record contains letters in support of the requested variance signed by numerous neighbors of the subject property. The neighbors stated that there will be no appreciable adverse affect on light and air created by the proposed addition. The Board so finds.

14. Advisory Neighborhood Commission (ANC) 7A made no recommendation on this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, 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 applicants have met the burden of proof. Sub-section 3304.1 of the Zoning Regulations requires a rear yard of 20 feet in the R-3 District. The proposed addition would provide a rear yard of 16 feet necessitating a variance of 4 feet, or 20 percent.

The sixteen foot width and seventy-two foot depth of the subject site, and the existence of the building

restriction line, create a practical difficulty for the owner. If the lot met the minimum area requirements of the R-3 District, a width of twenty feet and a depth of 100 feet and had no restriction line at the front, no variance from the rear yard requirement would be necessary to accommodate a reasonably sized addition to the building.

The Board concludes that the proposed addition is so located and of such size that there will be no adverse impact to adjoining properties. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED upon the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 6 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: 10-16-2017

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.