

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14515, of Ralph D. Martin and R. Meemeskul, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot width requirements (Sub-section 3301.1), the lot occupancy requirements (Sub-section 3303.1) and the side yard requirements (Sub-section 3305.1) to construct a single family dwelling in a R-2 District at premises 3513 - 30th Street, N.W., (Square 2068, Lot 19).

HEARING DATE: December 10, 1986
DECISION DATE: January 7, 1987

FINDINGS OF FACT:

1. The site, known as premises 3513 - 30th Street, N.W., is located on the east side of 30th Street between Ordway and Porter Streets. It is one block west of Connecticut Avenue. The site is in an R-2 Zone.
2. The subject site is rectangular in shape with a frontage of 25 feet on 30th Street and a depth of 135 feet. A 15 foot wide alley abuts the rear property line. The site has an area of 3,375 square feet. It is unimproved. It slopes to the rear property line.
3. The lot has existed as a lot of record prior to May 12, 1958, the effective date of the current Zoning Regulations. At that date the lot became nonconforming as to its lot width.
4. The R-2 District extends to the north, south, and west of the site. A C-2-A District, the Connecticut Avenue strip, approaches the site to the east.
5. The property to the south of the site is improved with a detached single family dwelling belonging to the applicants. To the north of the site are two semi-detached townhouses and apartment dwellings. Across 30th Street are both to the east across the alley are garages and backyards of semi-detached and detached dwellings.
6. On December 22, 1964, by BZA Order No. 8018, the Board granted variances from the minimum lot width and side yard requirements to allow the construction of a single family dwelling at the site. The house was never constructed.

7. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking area variances to allow the construction of a single family dwelling on the site. The applicants are seeking variances from the lot width requirements (Sub-section 3301.1), the lot occupancy requirements (Sub-section 3305.1) and the side yard requirements (Sub-section 3305.1).

8. The proposed structure would be two stories high facing 30th Street, with a low roof sloping toward the center of the house, and would be three stories at the rear. It would have a bedroom and other areas and two baths on the second floor, living area, entry way, kitchen, and dining area are on the first floor. There would be a one car garage, accompanying entry way, and a storage and service area on the lower level.

9. On the south side, the proposed structure will be located at the property line separating it from the single family structure owned by the applicants. The side yard on the north side will be five feet wide.

10. The required eight foot side yards on both sides would allow only a nine foot wide dwelling to be constructed.

11. The proposed main structure itself would occupy 1260 square feet, or 37 percent of the area of the lot. The house alone falls within the 40 percent lot occupancy limit. A raised rear deck would take up another 400 square feet, or 12 percent of the lot area. Raised rear decks are common in the subject neighborhood. The proposed raised deck is necessary to allow full use of the living area of the house and to make off street parking available in the garage and at the rear of the house.

12. The entire block where the site is located was subdivided before the 1958 Zoning Regulations were in effect. Of the ten lots fronting on 30th Street between Porter Street and the southernmost alley on the 3500 block eight are 25 feet wide or narrower. The majority of the houses in the immediate neighborhood do not meet the side yard requirements.

13. Of the total of fourteen existing houses on the block, eleven border directly on at least one property line, with no side yard at all on that side. Counting the sites with no yard space at all, the average side yard on the block is less than two feet. Of the fourteen side yard spaces that do exist, eleven are five feet by ten inches wide or less (one is five feet ten inches, two are approximately five feet ten inches, three are about five feet, four are between four feet and five feet, and one is approximately 16 inches).

14. The architectural treatment of the structure will be sympathetic with the existing buildings in the neighborhood.

15. A resolution of Advisory Neighborhood Commission (ANC 3C) dated November 24, 1986, was submitted to the record and the Chairman of ANC - 3C testified at the hearing on this application. The ANC reported that the granting of this application would have no significant impact, either adverse or beneficial, on the total neighborhood and resolved neither to oppose nor support the application.

16. Numerous neighbors of the subject property submitted a petition to the record expressing support for the proposed residence and expressing the opinion that it would conform to the existing neighborhood pattern.

17. A petition in opposition to the application signed by numerous neighbors of the site was submitted to the record. The signatories stated that the proposed residence would have an adverse effect on the neighborhood.

18. The owner of the premises known as 3519 30th Street, N.W., located adjacent to the subject site, testified in opposition to the application. She stated that the requested variances are massive in impact, the construction of the proposed house would lead to overcrowding, would impair the light available to her house as it has nine windows on the side facing the subject site and the design of the proposed structure is not compatible with the prevailing historic character of the newly designated Cleveland Park Historic District. The Board finds that the proposed house will have similar side and lot occupancy percentage to others in the area. The lot and adjacent houses will not be more "crowded" than is standard for the area. The lot exists and in order for the owners to erect a livable structure on it, as have the owners of the other lots with comparable dimensions in the neighborhood, it will not meet the current minimum side yard requirements. The Board further finds that the proposed structure has been removed from the opposing property owners lot line as far as reasonably possible. The opposing property owners house itself does not meet the required side yard setbacks. The Board further finds that while it would encourage the applicants to provide a design compatible with the historic style and materials of other structures in the neighborhood, the Board is not an architectural review board, and does not have jurisdiction over the historical features of the building's design.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that 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 applicant has met the burden of proof. The subject lot is a nonconforming lot created before the enactment of the 1958 Zoning Regulations. The lot came of record at the time of the subdivision of the block and has remained a record lot since that time. Due to the extreme narrowness of the lot, the applicants have demonstrated a practical difficulty inherent in the site. The lot's width is 25 feet, which does not meet the current minimum width requirements of 32 feet (Sub-section 3301.1). Thus a variance of seven feet or 22 percent is required. The lot occupancy proposed is 1260 square feet for the house itself and 400 square feet for the raised rear deck. Thus, the house itself (as modified to meet some of the concerns of the adjoining property owner) falls within the lot occupancy requirements. Construction of the deck, however, will require a variance of 310 square feet, or 23 percent. Raised rear decks of the type proposed are common to the neighborhood and no specific objection to the deck as made by those opposed to the application. The narrow lot makes it unreasonably for the applicants to provide the minimum eight foot side yards required (Sub-section 3305.1). If the house were constructed with the required eight foot set backs, it would be only nine feet wide. Thus, a variance of three feet, or 38 percent is required to the south, and eight feet, or 100 percent to the north. The 100 percent variance on the north side adjacent to a residence owned by the applicants, is necessary to maximize the opposite side yard adjoining another property. The lot width and area cannot be increased as adjacent lots are already developed. The structure as proposed will have a lot size, lot occupancy, and side yards similar to many other structures on the block.

Since the subject lot is as wide as most of its immediate neighbors and the proposed side yards are of size common on the block, the applicants have demonstrated that the proposed construction would not change the character of the neighborhood. The Board concludes that 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.

The Board further concludes that the construction of the proposed house would be compatible with the character of the neighborhood in terms of setbacks, mass, and lot size. Accordingly, it is hereby ORDERED that the application is

GRANTED, SUBJECT to the CONDITION that the construction shall be in accordance with the plans marked as Exhibit No. 17E of the record.

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: MAR 5 1987

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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