

Government of the District of Columbia

ZONING COMMISSION



Application No. 14588, of Charles and Barbara Rossetti (collectively, the "Applicant"), pursuant to Paragraph 8207.11 (Section 3107, DCMR 11) of the Zoning Regulations, for a variance from the lot occupancy requirements of Sub-section 3303.1 (403.2 DCMR11) to permit an addition to a residence in an R-3 District at premises 3314 N Street, N.W. (Square 1220, Lot 857).

HEARING DATE: May 13, 1987

DECISION DATE: May 13, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on N Street, N.W., with 33rd Street, N.W. to the east, 34th Street, N.W. to the west, and Prospect Street, N.W. to the south.

2. The property is in the R-3 District.

3. The subject site is presently improved with a single-family residence. The property is used as a residence. The surrounding uses are principally residential.

4. The Applicant proposes to construct a addition to the rear west of the structure, approximately 260 square feet in area, as shown on the plans filed as Exhibit E to the Applicant's prehearing statement.

5. The proposed addition would exceed the lot occupancy requirements of Sub-section 3303.1 (403.2, DCMR 11).

6. The approximate width of the subject property is 27.70 feet.

7. On the east side of the property, the adjacent house encoaches over the property line by approximately 2 feet, 8 inches, restricting the usable space within the lot and creating an exceptional situation or condition.

8. The shape of the existing structure relative to the adjacent property creates a long narrow court between the two houses. This court adversely affects light and air

within the existing residence and leaves a virtually unusable space on the lot.

9. Approval of the proposed plans would permit the enclosure of the area between the existing structure and the adjacent property by means of a one-floor addition. This addition will permit the enlargement of the kitchen maximize light and air circulation.

10. The Board finds that compliance with the lot occupancy requirements of Sub-section 3303.1 (403.2 DCMR11) imposes a practical difficulty, due to the exceptional and unusual conditions affecting the site (its narrow width, the encroachment of the adjacent structure, and the configuration of the existing structure in relation to the house to the west).

11. The addition is confined to the space between the present rear of the structure to the structure to the west. The brick wall of the adjacent structure is approximately two stories tall and has no windows. The addition is architecturally compatible with the present house and in character with the adjacent houses. The addition will enhance the available open space at the rear of the house by providing below grade storage. The addition will not be visible from the adjacent houses or any street. It will not impact the light and air of adjacent properties. The addition will occupy space in the rear yard which is not presently usable. Accordingly, the Board finds that the addition will have no adverse impact on adjacent structures. The Applicant adduced testimony that due to the structural constraints of the existing structure the proposed addition represents a reasonable solution to the Applicant's request.

12. By report dated April 14, 1987, ANC 2E stated that it did not oppose the granting of the variance.

13. All persons who sought to give testimony either in favor of or in opposition to the Application were given an opportunity to do so.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the Applicant is seeking an area variance, the granting of which requires proof of a practical difficulty upon the owner arising out of some unique or exceptional conditions of the property. The Board concludes that the subject site is subject to extraordinary or exceptional conditions.

The strict application of the Zoning Regulations would result in a practical difficulty. The Board concludes further that it is not feasible and would be impracticable to redesign the circulation within the house absent an addition. The Board is of the opinion that the proposed

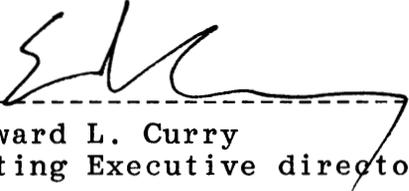
addition to the site will not result in any adverse impacts or any other objectionable conditions and will not adversely affect the light and ventilation of surrounding uses. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (William F. McIntosh, Maybelle T. Bennett, Charles R. Norris, Paula Jewell to grant; Carrie Thornhill not present not voting)

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

ATTESTED BY:-----


Edward L. Curry
Acting Executive director

JUN 2 1987

FINAL DATE ORDER:-----

UNDER SUB-SECTION 8204.3 (3103.1, DCMR 11) 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 LICENSES, INVESTIGATIONS AND INSPECTIONS.

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