

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14615 of Hal D. Hiemstra and Dawn L. Hill, pursuant to Sub-section 8207.11 (3107.2, DCMR 11) of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1, DCMR 11) to construct a rear addition to a row dwelling in the R-5-B District at premises 1722 Seaton Street, N.W., (Square 150, Lot site per subdivision).

HEARING DATE: June 17, 1987

DECISION DATE: July 1, 1987

FINDINGS OF FACT:

1. The site, known as premises 1722 Seaton Street, N.W., is located on the south side of Seaton Street, N.W., between Florida Avenue, and 17th Street, N.W. The site is located in an R-5-B District.

2. The R-5-B District extends in all directions from the site. The immediate neighborhood is developed with row dwellings on rectangular lots. A C-2-A District is located approximately 120 feet to the east of the site. A C-M-2 District is located on the north and west of Florida Avenue.

3. The site is irregularly shaped and has a lot area of 1,882 square feet. The 10 foot wide public alley located to the rear of the site jogs 45 degrees to the south 4.50 feet from the east property line. The site is improved with a two story semi detached structure constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. On that date the site became nonconforming with regards to rear yard setback.

4. Pursuant to Sub-section 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the rear yard requirements (Sub-section 3304.1) to construct a rear addition to the structure.

5. The proposed addition will be setback 15.34 feet from the front property line. The addition will consist of a master bedroom, bathroom and a small sitting room.

6. The addition will comprise 463.26 square feet and will increase the lot occupancy by 13.16 square feet resulting in

7. The addition will provide a rear yard with an average depth of 11.35 feet. The proposed addition will extend one foot further into the rear yard than the existing structure. The one foot projection will consist of a balcony and a beam, block and tackle to be used to hoist furniture to the addition. The addition will be accessed by a spiral stairway which will not easily permit the transport of furniture.

8. The Historic Preservation Review Board requires that the addition not extend to the front of the house and that the addition not be visible from the street.

9. By letter dated May 18, 1987, Advisory Neighborhood Commission 1-C reported that it voted to support the application.

10. Neighbors of the site submitted a petition to the record in support of the application.

11. Neighbors of the site submitted a petition to the record and testified in opposition to the application. Reasons for the opposition include the following:

- a) The proposed structure would extend approximately 12 to 15 feet higher than the common roofline for the south side of Seaton Place.
- b) The proposed structure would be visible from a large area of the front sidewalk, thereby altering the facade of the 80 year-old building.
- c) Several adjoining houses would suffer a loss of privacy and sunlight.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking an area variance, the granting of which requires a showing through substantial evidence that the application meets the requirements of Sub-section 8207.11 of the Zoning Regulations. Sub-section 3304.1 requires a rear yard of 15 feet for the site. The proposed addition will provide an average rear yard of 11.35 feet necessitating a variance of 3.65 feet or 24.33 percent.

The Board concludes that the applicants have met the burden of proof. The site is unique for the neighborhood in that it is not a rectangular lot but rather jogs at the rear bringing the public alley closer to the south side of the structure. The Board notes that the addition cannot be moved forward without impacting more on the structure's historic facade and that the addition is designed to have minimal impact on the appearance of Seaton Street. The

Board further notes that the addition is subject to review by the Historic Preservation Review Board.

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, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 2A of the record.

VOTE:4-0 (Patricia Mathews, Paula L. Jewell, William F. McIntosh, and Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case.

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

SEP 17 1981

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "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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