

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14616 of Ronald R. and Frances B. Snider Paragraph 8207.11 (3107.2, 11 DCMR) of the Zoning Regulations, for a variance from the lot occupancy requirements under Sub-sections 3303.1 and 7105.12 (403.2 and 2001.3, 11 DCMR) to permit an addition to a nonconforming dwelling in an R-1-B District at premises 1607 - 31st Street, N.W., (Square 1282, Lot 9).

HEARING DATE: June 24, 1987
DECISION DATE: June 24, 1987 (Bench Decision)

FINDING OF FACT:

1. The site, known as premises 1607 31st Street, N.W., is located on the east side of 31st Street, between Avon Lane and Q Street.

2. The site is irregularly shaped, comprizes 5,595 square feet and has a frontage of 49.145 feet along 31st Street. The site is improved with a three story plus basement detached brick structure constructed in 1887. On May 12, 1958 the effective date of the current Zoning Regulations, the structure became nonconforming regarding use.

3. The R-1-B District extends in all directions from the site. Numerous structures in the immediate neighborhood of the site are devoted to nonconforming uses including relatively large apartment buildings, condominiums and a home for the elderly.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations the Applicants are seeking a variance from the lot occupancy requirements and the requirements governing nonconforming uses to permit an addition to a nonconforming dwelling.

5. The building was originally constructed and used as a single family residence. In 1938 the structure was converted to a rooming house with four kitchens. In 1973 the Applicants of the subject application converted the rooming house into a two-family flat Pursuant to Board of Zoning Adjustment Order No. 11138, dated January 30, 1973.

6. The upper three floors of the structure have been substantially restored to their original condition as a

principal residence. The basement was converted to a one bedroom apartment which is entirely separate from the principal residence.

7. The tower located at the south side of the structure and the projection along the north side are charged with a combined lot of occupancy of 108.3 square feet although they physically cover a combined area of only 13.31 square feet. The remaining 94.99 square feet included in the projections' lot occupancy total is open space.

8. A separate accessory building enclosing a swimming pool is located in the rear yard. The pool enclosure is near the north and east lot lines and its roof is two feet below the level of the grade of the lots which are on the North lot line. There is a 13 foot grade difference between the North line and the pool level. The water line is six feet from the lot line. The open space above the pool is planted with trees. On the east side, the enclosure is two feet above the adjoining lot grade and four feet below the fence top. The area covered by the roof and glass sides is all within three feet of the water's edge, an area that is required for a deck surrounding the pool. The structure has sides which are totally removable. Only the glass roof remains in the summer.

9. The Applicants intend to continue to use the structure as a flat.

10. The proposed addition will be located at the rear of the house and will not be visible from the front of the property along 31st Street.

11. The proposed addition comprises 90.72 square feet at the first floor and the same amount at the basement level. At the first floor, the addition will be an expansion of the kitchen and replacement of a bathroom for the principal residence. The addition to the basement area will be used as seasonal storage for such such as the removable glass from the sides of the pool in the summer. The addition will not be an expansion of the basement apartment.

12. By letter dated May 14, 1987 Advisory Neighborhood Commission 2E reported that it voted not to oppose the application.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicants are seeking variances, the granting of which requires a showing through

substantial evidence that the requirements of Paragraph 8207.11 of Zoning Regulation's have been met. Sub-section 3303.1 allows a lot occupancy of 40 percent or 2,238 square feet for the site. With the addition a total of 2,324.895 square feet of the lot will be occupied necessitating a variance of 86.895 square feet (3.88 percent). Sub-section 7105.12 prohibits the enlargement of a structure devoted to a nonconforming use.

The Board concludes that the Applicants have met the burden of proof. The site is affected by exceptional conditions. With the addition the actual lot occupancy will be 2,185.9 square feet which is less than the permissible occupancy. The addition of 94.99 square feet, as calculated by the Zoning Administrator, results in a lot occupancy of 2,280.89 square feet which exceeds the permitted lot occupancy by 42.89 square feet. If the 94.99 square feet were not included in the calculation the lot occupancy would be less than 40 percent. The Board further notes that the swimming pool enclosure with its removable walls is included in the lot occupancy calculation. The pool enclosure roof is below the level of the yards of the property to the north and does not detract from their light and air. It is not readily visible from these yards.

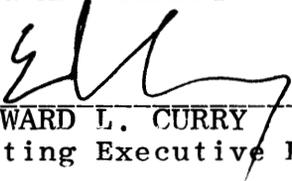
The Board further concludes that the proposed addition is intended to expand the use of the principal dwelling and not the nonconforming basement flat. The Board notes that by Board of Zoning Adjustment Order No. 11138, the Applicants voluntarily diminished the intensity of the nonconforming use. The 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. 9 of the record.

VOTE:5-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill and to grant)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 15 1987

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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