

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14622, of Paul Proctor, pursuant to Paragraph 8207.11 (3107.2, DCMR 11) of the Zoning Regulations, for a variance from the rear yard requirements (sub-section 3304.1, 404.1, DCMR 11) to allow construction of an addition to a single family dwelling in an R-2 District at premises 715 - 55th Street, N.E., (Square 5213, Lots 12 and 13).

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

FINDINGS OF FACT:

1. The site is located at the southeast corner of the intersection of 55th and Hayes Streets and is known as premises 715 55th Street, N.E. It is zoned R-2.

2. The site is triangular in shape and relatively flat. The site has a lot area of approximately 1,913.8 square feet.

3. The site is currently improved with a one-story single family dwelling. The applicant proposes to construct a one-story addition to the rear of the existing dwelling.

4. The Zoning Regulations require a minimum depth of rear yard of twenty feet in the R-2 District. The proposed addition will result in an average rear yard depth of fifteen feet. A variance from the rear yard requirements of five feet or twenty-five percent is, therefore, necessary for the proposed construction.

5. The site is nonconforming as to the area and width requirements of the Zoning Regulations for a dwelling in the R-2 District. The Zoning Regulations require a minimum lot area of 4,000 square feet and a minimum lot width of forty feet. The lot area of the subject site is 1,913.8 square feet and the lot is 31.205 feet in width.

6. The existing single family dwelling is also nonconforming as to the side yard requirements. The Zoning Regulations require a minimum side yard of eight feet in an R-2 District. The side yard to the south of the existing dwelling is 5.6 feet in width.

7. The proposed one-story addition will extend approximately ten feet east of the existing dwelling and will contain approximately 176.61 square feet of area.

8. The applicant has an approved Single Family Rehab Loan for the rehabilitation of his property. The applicant proposes to renovate the existing electrical system, install insulation, gutters and downspouts, and to relocate the furnace and hot water heater in appropriately located, fireproof and ventilated space in order to bring the structure into conformance with the current housing and building code regulations.

9. By letter dated April 9, 1987, the Chief of the Construction Services Branch of the D.C. Department of Consumer and Regulatory Affairs advised that the proposed addition to the existing dwelling was necessary in order to provide adequate space to accommodate the relocation of equipment which is presently in violation of the D.C. Code.

10. The record contains fourteen letters from neighboring property owners and residents offering no objections to the proposed addition.

11. The Board waived its Rules to accept the report of the ANC six days prior to the public hearing instead of seven days as required by the Rules. Advisory Neighborhood Commission (ANC) 7C, by memorandum dated June 12, 1987, supported the granting of the subject application. The ANC did not identify any specific issues or concerns regarding the subject case necessary for the Board to afford "great weight" to the position of the ANC.

12. 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 applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty that is inherent in the property itself and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

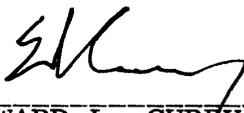
The Board concludes that the irregular shape of the lot, the nonconforming size of the lot and the existing dwelling on the site constitutes an exceptional condition of the property. The Board further concludes that the applicant would suffer a practical difficulty if the Zoning Regulations were strictly enforced.

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 as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Lindsley Williams, William F. McIntosh, Paula L. Jewell, Charles R. Norris, 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: JUL 27 1987

UNDER 11 DCMR 3103, "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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