

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14630 of Jeffrey D. and Marianne Chulay, pursuant to Section 3107.2 of the Zoning Regulations, for a variance from the rear yard requirements (Section 404.1) to permit construction of an addition to a single family dwelling in an R-1-B District at premises 3807 Ingomar Street, N.W., (Square 1855, Lot 815).

HEARING DATE: July 15, 1987
DECISION DATE: July 15, 1987

FINDINGS OF FACT:

1. The site, known as premises 307 Ingomar Street, N.W., is located on the north side of Ingomar Street, between 38th and 39th Street's. The site is located in an R-1-B District.
2. The site is rectangular in shape with a frontage of 60 feet along Ingomar Street, and a depth of 85.92 feet. A 12 foot wide public alley is located to the rear of the site.
3. The site is improved with a three story single family detached home constructed in 1912.
4. The R-1-B District extends in all directions from the site. The neighborhood is developed with single detached structures.
5. Pursuant to Section 3107.2 of the Zoning Regulation's the Applicants are seeking a variance from the rear yard requirements (Section 404.1) to permit the construction of a one story addition to the rear of the existing dwelling. The addition will extend 4.75 feet from the back edge of the house and will be 17.84 feet wide. It will be located 20 feet from the rear property line.
6. The addition is intended to provide a family room on the first floor which now contains a living room, dining room and kitchen.
7. The structure is setback from Ingomar Street more than 10 feet further than the building restriction line.
8. The proposed addition will be located in a niche which exists at the rear of the structure.

9. By letter dated June 22, 1987, Advisory Neighborhood Commission 3G reported that it voted to support the application. No issues and concerns were expressed by the Advisory Neighborhood Commission.

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

11. 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 an area variance, 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 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, purpose and integrity of the zone plan.

Section 404.1 of the Zoning Regulation's requires a rear yard of 25 feet for the R-1-B District. The proposed addition will be located 20 feet from the rear property line necessitating a variance of five feet, or 20 percent. The Board concludes that the Applicants have met the burden of proof. The Board notes that if the structure were located at the building restriction line instead of setback from it further than ten feet as it is, no variance would be necessary. The Board further notes that the requested variance is minimal and that the addition is reasonably located on the site.

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. 8 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett 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: 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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