

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14636 of Mary Lee Stein and Mark Rosenman, pursuant to Section 3107.2 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Section 2001.3), the lot occupancy requirements (Section 403.2), and the rear yard requirements (Sections 404.1 and 2001.3c) proposed rear addition to a single family row dwelling in the R-5-B District at premises 2805 Ontario Road, N.W., (Square 2582, Lot 408).

HEARING DATE: July 22, 1987  
DECISION DATE: July 22, 1987

FINDINGS OF FACT:

1. The site, known as premises 2805 Ontario Road, N.W., is located on the north side of Ontario Road, between 18th Street, and Lanier Place N.W.
2. The site is quadrilateral in shape with a frontage of 25 feet along Ontario Road, an east property line of 90.70 feet and west property line of 100.96 feet. The site has a frontage of 27.02 feet along the 15 foot wide public alley located to the rear of the site. The site is improved with a three story brick structure plus garage constructed prior to May 12, 1958, the effective date of the current Zoning Regulation's. On that date, the site became nonconforming with regard to the lot occupancy allowance. The garage is located at the rear of the lot and is located below the level of the first floor of the house. The house and garage are separated by a small yard area.
3. The R-5-B District extends in all directions from the site. The neighborhood is developed with row dwellings and apartment buildings.
4. Pursuant to Section 3107.2 of the Zoning Regulations' the Applicants are seeking variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements and the rear yard requirements to allow the construction of a one story rear addition to the existing structure.
5. The addition will comprise approximately 156.25 square feet and will consist of a sunroom at the rear of the house and a deck on the existing garage. The addition will

displace the small porch located at the rear of the house. The footprint of the existing garage will not be increased. The sunroom will be equal in width to the house.

6. The structures on adjacent properties on either side of the subject structure have additions which extend into the rear yard to the same extent as the proposed addition.

7. By letter dated July 17, 1987 Advisory Neighborhood Commission 1C reported that it voted to support the application as the requested relief was appropriate and there was strong neighborhood support for the proposal.

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

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 exceptional 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.

The proposed addition does not meet the requirements of Section 2001.3 of the Zoning Regulation's which prohibits the construction of addition to a nonconforming structure exceeding the allowable lot occupancy. Section 403.2 restricts the lot occupancy to 60 percent or 1,437.45 square feet of the site. The proposed addition will result in a total lot occupancy of 1,815.11 square feet necessitating a variance of 377.66 square feet or 26.27 percent. Section 404.1 requires that a rear yard of 15 feet be provided for the site. The proposed addition will result in an average rear yard of 9.38 feet necessitating a variance of 5.62 feet or 37.47 percent.

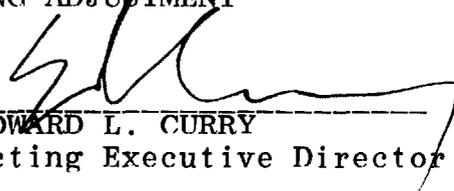
The Board concludes that the applicants have met the burden of proof. The site is unique in that it is developed with a nonconforming structure which now exceeds the lot occupancy requirements and both adjacent structures are nonconforming with additions extending into the rear yard. The Board notes that the deck placed on the existing garage will not increase the footprint of the garage or encroach further into the rear yard. The Board further notes that the garage is located below the level of the first floor of the house. The location of the existing structures on the site effectively now provides no rear yard with outdoor recreation space.

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. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. 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. 5 of the record.

VOTE:5-0 (Charles R. Norris, John Parsons, Carrie L. Thornhill, Paula L. Jewell and Willian F. McIntosh 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 17 1987  
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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.

Order14636/DEE2