

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14658, of Mr. & Mrs. Paul Dietrich, pursuant to 11 DCMR 3107.2, for a variance from the percentage of lot occupancy requirements (Sub-section 430.2) a variance from the rear yard requirements (Sub-section 404.1), a variance from the floor area ratio requirements (Sub-section 1203.3), and a variance from the prohibition against allowing an addition to a nonconforming structure now exceeding the allowable percentage of lot occupancy (Sub-section 2001.3) for a proposed one-story rear yard addition, or in the alternative, a variance from the floor area ratio requirements (Sub-section 1203.3), and a variance from the prohibition against allowing an addition to a nonconforming structure now exceeding the allowable percentage of lot occupancy (Sub-section 2001.3) for a proposed third-story addition to a nonconforming single-family structure in a CAP/R-4 District at premises 500 4th Street, S.E., (Square 822, Lot 837).

HEARING DATE: September 16, 1987

DECISION DATE: November 4, 1987

FINDINGS OF FACT:

1. The site known as premises 500 4th Street, S.E., is located at the southeast corner of the intersection of 4th Street and South Carolina Avenue. The site is located in a CAP/R-4 District.

2. The lot containing 1,344 square feet, is irregularly shaped with a south lot line of 54.33 feet perpendicular to 4th Street, a frontage of 19.31 feet along 4th Street and a frontage of 45.08 feet along South Carolina Avenue which runs at an angle of approximately 30 degrees to 4th Street. The east property line tapers inward from southeast to northwest. The property is improved with a three story detached house constructed in 1849. A two story addition was constructed to the east of the site at a later date. On May 12, 1958, the effective date of the current Zoning Regulations the structure became nonconforming in regards to the lot occupancy and rear yard provisions. The site does provide a rear yard. The site is smaller than most other properties in the square. A large open space exists between the structure and the curb of South Carolina Avenue. The structure is the northern most structure on the row of structures along 4th Street.

3. The site is located in the Capitol Hill Historic District. Marion Park is located across the street from the site. The CAP/R-4 District extends in all directions from the site. The area is characterized by single-family residential houses some of which have been converted to two or three residential units.

4. As captioned above the applicants are seeking area variances to construct a partial third floor library addition of 288 square feet and a dining room addition of approximately 267 square feet to the front of the first floor.

5. The design of both proposed additions will utilize the materials and historic design of the original structure to ensure compatibility with it and neighboring structures.

6. The dining room which exists now at the site has a very shallow dimension and contains a fireplace so that a person sitting at the table also occupies the hearth.

7. The proposed addition would relocate the kitchen/laundry room, which is now extremely cramped - four feet wide at its narrowest end, into the present dining room. The wall of the existing kitchen follows the existing property line which tapers to the front, or north of the site.

8. By memorandum dated August 27, 1987 the Office of Planning (OP) recommended denial of the application as it was of the opinion that the proposed addition is a self imposed practical difficulty which doesn't meet the criteria for the granting of an area variance. The Board partially concurs with the OP.

9. By memorandum dated August 27, 1987, Advisory Neighborhood Commission (ANC) 6B reported that it failed to obtain a majority vote to make a recommendation on the application.

10. The Zoning Committee of the Capitol Hill Restoration Society (CHRS) reported that it voted to oppose the proposed first floor addition and third floor addition as the applicants did not demonstrate that an exceptional condition was inherent in the house or lot that would cause practical difficulty in complying with the Zoning requirements.

11. A petition was submitted to the record in opposition to the application.

12. Neighbors of the site testified in opposition to the application on the grounds that the proposed third story

addition would present them with a view of a brick wall and that the house is not unusually small.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicants are seeking area variances 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 Board concludes that the applicants have met the burden of proof with regards to the addition proposed for the first floor. The Board concludes that the site is unusually shaped and improved with a nonconforming structure in such a way that a practical difficulty results to the owners. The Board further concludes that ample open space exists to the north of the site and 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 further concludes that the applicant has not met the burden of proof in order to construct the partial third floor addition.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITIONS that construction shall be in accordance with the plans marked as Exhibit No. 4 of the record for the first floor (marked as alternative B in the applicant's plans).

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, and Carrie L. Thornhill to grant, in part, and deny, in part),

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

FEE 26 N/A

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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