

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14674 of Patricia Weiss and Stephen Collier, pursuant to DCMR 3107.2, for 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), a variance from the width and area of the closed court requirements (Sub-section 406.1 and 2001.3), a variance from the minimum rear yard requirements (Sub-section 404.1 and 2001.3), and a variance from the percentage of lot occupancy allowed for a deck addition to an existing apartment house and accessory garage (Sub-section 403.2 and 2001.3) in an R-5-B District at premises 1850 Biltmore Street, N.W., (Square 2549, Lot 624).

HEARING DATE: September 23, 1987

DECISION DATE: September 23, 1987 (Bench Decision)

FINDINGS OF FACT

1. The site, known as premises 1850 Biltmore Street, N.W., is located on the south side of Biltmore Street, at its intersection with Cliffbourne Place. The site is located in the R-5-B District.

2. The R-5-B District extends in all directions from the site. The area is developed with row dwellings and apartment buildings.

3. The site is basically rectangular in shape with a frontage of 25 feet along Biltmore Street, and an average depth of approximately 129 feet. A 16 foot wide public alley is located to the rear of the site.

4. The site is improved with a three story plus basement brick structure and a detached garage.

5. Pursuant to Sub-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 allowable percentage of lot occupancy (Sub-section 2001.3) a variance from the width and area of the closed court requirements (Sub-section 406.1 and 2001.3) a variance from the minimum rear yard requirements (Sub-section 404.1 and 2001.3) and a variance from the percentage of lot occupancy allowed for a deck addition to the existing structure and accessory garage.

6. The structure is divided into a main living unit occupied by the owners on the first, second and third floors and two apartments on part of the first floor and basement. Access to the rear yard from the main unit is provided via one of the apartments. The proposed addition is intended to provide direct access to the rear yard and easily accessible usable private outdoor space for the main unit and one of the apartments.

7. The proposed addition consists of an exterior doorway and small landing from the second floor of the house at the back. The landing is connected to an exterior walkway leading to a deck on top of the garage, and another set of steps leading to the ground level and another deck. The addition will increase the lot occupancy by 145,479 square feet.

8. The proposed improvements are consistent with improvements made to neighboring properties. Numerous homes in the immediate area have decks on top of garages or carports and stairs leading to the ground.

9. By letter dated September 4, 1987 Advisory Neighborhood Commission 1-C reported that it voted to approve the application at the request of its Zoning Committee and the single member district 1C-03, community.

10. 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 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.

Sub-section 403.2 and 2001.3 (c) of the Zoning Regulations allows a lot occupancy of 1,923.6 square feet or 60 percent for the site. The addition will exceed the allowable lot occupancy by 323,304 square feet or 16.81 percent. Sub-sections 406.1 and 2001.3 (c) require that a width of 15 feet be provided for a closed court. The proposed addition will require a variance of 3.0 feet or 20 percent and 131.2 square feet for the court width and area respectively.

Sub-section 2001.3 (d) prohibits an addition from being made to a non-conforming structure now exceeding the allowable percentage of lot occupancy by occupying 65.55 percent of the site. Sub-sections 404.1 and 2001.3 (c) require a minimum rear yard of 15 feet. The proposed addition will result in a structure with an average rear yard depth of 1.9152 feet necessitating a variance of 13.085 feet, or 87.23 percent.

The Board finds that the applicants have met the burden of proof. Two of the variances are needed as the garage causes the total lot occupancy allowance to be exceeded. The Board notes that the bulk of the proposed addition will be on top of the existing garage. The small landing added to the rear and side of the structure will provide only 2.2 feet into the closed court.

The rear yard variance is necessary since the walkway proposed to be constructed connecting the garage to the main structure technically eliminating the existing rear yard depth so that it would have to be measured from the rear of the garage. However, the rear yard would remain the same depth after the proposed construction.

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 ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 of the record.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh and Charles R. Norris to approve; Carrie L. Thornhill not present, not voting)

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

OCT 18

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."

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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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