

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14691, of Evans and Patricia Sealander, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1), and the side yard requirements (Sub-section 405.9) to construct a proposed addition and conversion of a structure into a flat in an R-4 District at premises 214 - 11th Street, N.E., (Square 964, Lot 832).

HEARING DATE: October 21, 1987 and November 18, 1987

DECISION DATE: November 18, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The application was continued from the public hearing of October 21, 1987, to that of November 18, 1987 as notice of the public hearing had not been sent to property owners within 200 feet of the site who had addresses on Constitution Avenue.

2. The site, known as premises 214 11th Street, N.E., is located on the west side of 11th Street between C and D Streets, N.E. The site is located in an R-4 District.

3. The site is rectangular in shape and has a frontage of 31.92 feet along 11th Street and a depth of 110.87 feet. The site comprises 3,526.47 square feet. The site is improved by a semi-detached brick structure which is two stories at the front and one story at the rear. A ten foot wide public alley is located to the south and west of the site. Parking at the rear of the site may be accessed by the public alley.

4. The R-4 District extends in all directions from the site. A lot area of 1,800 square feet is required for the R-4 District. All but one of the more than 45 lots that are located within 200 feet of the structure have lot areas of less than 1,800 square feet. All lots adjacent to the subject site are improved.

5. As captioned above the applicant is seeking a variance to construct an addition to the rear of the existing structure. The addition would consist of a flat and a garage connected to the main structure by a covered walkway.

6. The required vehicle turning radii from and into the alleys limits the placement and size of the proposed garage.

7. Two off-street parking spaces will be provided on the site.

8. By letter dated October 7, 1987, Advisory Neighborhood Commission 6A reported that it voted to recommend approval subject to the condition that the southeast corner of the addition be planned to a diagonal to allow space for turning vehicles. The Board concurs.

9. The Capitol Hill Restoration Society Zoning Committee reported that it voted to take no position on the variances requested by the application. The Committee noted that the lot is large. The Committee also reported that it opposed the placement of the flat over the garage which will in effect result in an alley dwelling. The Board finds that since the proposed structure will be connected to the existing house, it is technically one structure and a flat is a use permitted as a matter-of-right in an R-4 District.

10. Neighboring property owners submitted a petition to the record stating that they had no objection to 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 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.

Section 404.1 of the Regulations requires that a rear yard of 20 feet be provided. The proposed addition will provide no rear yard necessitating a variance of 100 percent. Section 405.9 requires that a side yard of eight feet be provided. The addition will provide an average side yard of 4.35 feet necessitating a variance of 3.65 feet or 45.62 percent.

The Board concludes that the applicants have met their burden of proof. Although the proposed addition is located

at the rear of the site, it is connected to the house by a covered walkway, so that it must meet the rear yard requirements of the main structure. The Board further notes the unusually large size of the site and the fact that a public alley is located to the side and rear of 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 following CONDITION: that construction shall be in accordance with the plans marked as Exhibit No. 10 as modified by Exhibit No. 37 of the record.

VOTE: 5-0 (Patricia N. Mathews, Paula L. Jewell, William F. McIntosh, Charles R. Norris, and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

MAR 21 1968

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.

14691order/BJW27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14691

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated Aug 21 1964, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Patricia Sealander
200 G Street, N.E.
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Klaus Klatt
3533 Yuma Street, N.W.
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Ernest Postell, Chairperson
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EDWARD L. CURRY
Executive Director

DATE: Aug 21 1964