

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14701, of Gladys Antezana, pursuant to 11 DCMR 3107.2, for variances from the side yard requirements (Sub-section 405.9) and the prohibition against increasing or extending an existing, nonconforming aspect of a structure (Sub-section 2001.3) to construct an addition to an existing nonconforming single-family dwelling in an R-1-B District at premises 2830 Arizona Avenue, N.W., (Square 1439, Lot 47).

HEARING DATE: December 9, 1987
DECISION DATE: January 6, 1988

FINDINGS OF FACT:

1. The property is located on the west side of Arizona Avenue between MacArthur Boulevard to the south and Cathedral Avenue to the north and is known as premises 2830 Arizona Avenue, N.W. It is zoned R-1-B.

2. The site is irregularly shaped with a frontage of 71.17 feet along Arizona Avenue, a depth of 113.39 feet on the north, a depth of 100.2 feet on the south, and a width of 56.04 feet at the rear. The site contains approximately 6,720 square feet of lot area.

3. The property is currently improved with a two-story plus basement brick single-family dwelling and a one-story two-car garage.

4. The applicant proposes to construct a one-story addition approximately 275.5 square feet in area on the north side of the existing dwelling. The proposed addition would extend from the existing dwelling to the property line, eliminating the existing 9.6 foot side yard.

5. The premises are currently nonconforming in that the existing garage extends into the required side yard to the property line on the south. In all other respects, the site meets or exceeds the minimum requirements of the R-1-B District.

6. The proposed addition is requested by the applicant to provide bedroom space with easy access to existing kitchen and bathroom facilities on the first floor level of the existing dwelling for a handicapped family member who is unable to navigate the stairs to the second floor.

7. The Office of Planning(OP), by memorandum dated November 27, 1987, recommended that the application be denied. The OP was of the opinion that the necessary burden of proof for area variance relief had not been met. The OP was further of the opinion that the proposed addition may adversely impact the light, air and privacy of the adjoining dwelling to the north, as well as restrict emergency access to the rear of the site due to the elimination of both side yards.

8. Advisory Neighborhood Commission (ANC) 3D, by letter dated November 30, 1987, recommended that the application be denied. The ANC was of the opinion, notwithstanding the humanitarian value of the application, that alternative means of achieving the desired result were available which would not require variance relief to an already existing nonconforming structure. The alternatives recommended by the ANC were as follows:

- a. The provision of an interior elevator or chairlift to allow access to the second floor for an individual with limited mobility;
- b. The possibility of locating the proposed addition at the rear of the existing structure, thereby retaining the existing side yard; and,
- c. The conversion of the existing garage into the desired room.

9. In response to the issues raised by the ANC and the OP, the applicant argued as follows:

- a. The installation of a chairlift or elevator would result in costly structural rearrangement in order to widen the existing stairs and hallways and would result in a loss of habitable floor space.
- b. The garage is separated from the principle structure by approximately three feet. The finish level of the garage is approximately four feet above the basement level making it difficult to attach the garage to the house.
- c. The distance between the dwelling and the required concrete walkway of the existing swimming pool in the rear yard is only approximately ten feet. Construction of the proposed addition in this location would require the removal of a load bearing wall and would result in an inappropriate and obstrusive architectural design.
- d. The proposed addition would be unobstrusive, in harmony with the architectural design of the existing building and would not adversely impact the

adjacent residence on the north, which is also owned by the applicant.

10. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires evidence of a practical difficulty inherent in the property itself. The Board must further find that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and map. The Board concludes that there are no practical difficulties inherent in the subject property. The existing structure is currently 100 percent nonconforming with respect to the side yard requirements at the south of the property. The required variance would result in the elimination of the required side yard on the north side of the property. The extent of the resulting nonconformity is significant in that the proposed addition would eliminate 100 percent of both required side yards. Due to the elimination of side yards, the resultant structure would technically be classified as a row dwelling. The resulting density would be too extreme for the R-1-B District. The physical characteristics of the property, such as topography and shape, is not substantially different than other properties fronting on the west side of Arizona Avenue in the subject square. The reasons stated in support of the variance relief are personal and are not grounds to substantiate the relief requested.

The Board further concludes that the required relief can not be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board has accorded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 4-1 (John G. Parsons, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to deny; William F. McIntosh opposed to the motion by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAR 27 1989

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."

14701order/LJP47

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No.

As 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 MAY 27 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Curtis Franks
7601 16th Street, N.W.
D.C. 20012

Gladys Antezana
2830 Arizona Ave., N.W.
D.C. 20012

Sheila Gray, Chairperson
Advisory Neighborhood Commission 3-D
P.O. Box 40846, Palisades Station
D.C. 20016

P-600 301 976

RECEIPT FOR CERTIFIED MAIL

G. ANTEZANA


EDWARD L. CURRY
Executive Director

DATE: MAY 27 1988

14701