

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14720, of Paul M. and Catherine F. Friday, pursuant to 11 DCMR 3107.2, for a variance from the prohibition against allowing an addition to a structure that is now exceeding the allowable percentage of lot occupancy (Paragraph 2001.3(a)), the prohibition against increasing or extending an existing nonconforming aspect of a structure, an open court (Paragraph 2001.3(c)), the rear yard requirements (Sub-section 404.1), the percentage of lot occupancy requirements (Sub-section 403.2), and the open court requirements (Sub-section 406.1) in an R-4 District at premises 611 F Street, N.E., (Square 861, Lot 122).

HEARING DATE: January 13, 1988  
DECISION DATE: January 13, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 611 F Street, N.E. is located in the Capitol Hill Historic District, on the southside of F Street, between 6th and 7th Streets. The site is located in an R-4 District.
2. The R-4 District extends in all directions from the site. The area is characterized by single-family two-story row dwellings with English basements. Some of these buildings have been converted to multiple dwellings.
3. The site is rectangular in shape with a frontage of 16.79 feet along F Street and a depth of 80 feet. A ten foot wide public alley is located to the rear of the site. The site is improved with a two story row structure built before May 12, 1958, the effective date of the current Zoning Regulations. On that date, the structure became nonconforming with regards to lot occupancy and open court requirements.
4. Pursuant to the above captioned sections, the applicants are seeking variances to allow an addition to be made to the rear of the structure. The addition will consist of a one story sunroom comprising 196 square feet.
5. The rear portion of the structure is exposed on the sides and is located on a concrete slab. Each year the pipes freeze as a result of the cooling of the brick patio and concrete slab at the rear of the structure. The proposed

solar greenhouse is intended to warm the rear of the structure and alleviate the problem of frozen pipes.

6. At the front, the structure is directly adjacent to the neighboring structures at both sides. At the rear, the structure is removed from the west side lot line by approximately four feet. This open area is calculated into total lot occupancy calculation.

7. Adjacent structures project further into the rear yard than the proposed addition.

8. By memorandum dated January 7, 1988, the Office of Planning recommended denial of the application as it is of the opinion that the applicant does not meet the tests required for an area variance. The Board does not concur for reasons detailed in the Conclusions of Law below.

9. By letter dated January 10, 1988, Advisory Neighborhood Commission (ANC) 6A recommended approval of the application.

10. By a letter submitted to the record, the Capital Hill Restoration Society Zoning Committee reported that it does not oppose the addition as it will not be large and will not deprive any neighbors of light and air and neighbors are not opposed to it.

11. Numerous neighbors of the site submitted a petition to the record in support of the application.

12. There was no community opposition to the application at the public hearing are of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Finding 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 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 applicants are seeking a variance from the provisions of Section 2001.3 to allow an addition to a structure that now exceeds the allowable percentage of lot occupancy. Sub-section 403.2 allows a lot occupancy of 60 percent or 805.93 square feet for the site. The existing structure occupies 928.50 square feet. The proposed addition of 196 square feet will result in a total lot occupancy of 1,124.50

square feet necessitating a variance of 318.58 square feet, or 39.53 percent. Subsection 404.1 requires that a rear yard of 20 feet be provided. The addition will provide a rear yard of 13.03 feet necessitating a variance of 6.97 feet or 34.85 percent. Sub-section 406.1 requires an open court of six feet. The addition will provide a court of 4.12 feet necessitating a variance of 1.88 feet or 31.33 percent.

The Board concludes that the applicants have met the burden of proof. The square footage of lot occupancy calculation includes the area of the nonconforming open court. The Board notes that the addition is an unobstrusive small greenhouse to be located at the rear of the structure. The addition will not extend further into the rear yard than neighboring structures now do. A ten foot wide public alley is located to the rear of the structure.

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 CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 of the record.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell 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 17 1988

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.