

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14724, of Diana and Steven Kreiss, as amended, pursuant to 11 DCMR 3107.2, for variances to allow a structure now exceeding the allowable percentage of lot occupancy requirements (Paragraph 2001.3(a)), a variance from the prohibition against an addition increasing or extending an existing nonconforming aspect of the structure, an open court (Paragraph 2001.3(c)), and a variance from the minimum width of an open court requirements (Sub-section 406.1) to construct a third story addition to a nonconforming single-family row dwelling in an R-4 District at premises 623 A Street, S.E., (Square 870, Lot 55).

HEARING DATES: February 17 and May 11, 1988
DECISION DATE: June 1, 1988

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of February 17, 1988. By letter dated February 1, 1988, and through appearance at the public hearing, the applicants requested a continuance due to conflicting court obligations which precluded proper preparation and submission of the applicants' detailed statement and supporting documents in a timely manner. The Board continued the application to its public hearing of May 11, 1988.

2. The property is located on the south side of A Street between 6th and 7th Streets and is known as premises 623 A Street, S.E. It is zoned R-4.

3. The site is generally level and rectangular in shape, having a width of 16 feet and a depth of 76.08 feet. The lot contains 1,217.28 square feet.

4. The property is improved with a two-story brick row dwelling. The existing row dwelling has a living room, dining room, kitchen and powder room on the first floor. The second floor has two bedrooms, two bathrooms and a small den which is currently occupied as a bedroom. There is a long hallway located along the east wall of the second floor. The existing structure is 16 feet in width, 48.1 feet in depth, and 26.5 feet in height.

5. The applicants propose to construct a third story addition to the existing dwelling. The proposed addition will be set back from the front of the building approximately

17.4 feet. The proposed addition would contain two bedrooms and would have a depth of 30 feet 7 inches. The height of the proposed addition would be approximately ten feet.

6. The applicants amended their original proposal to eliminate a proposed bay window on the rear of the building. As revised, the proposed addition will not increase the existing footprint or lot occupancy of the building.

7. The Zoning Regulations permit enlargement or additions to nonconforming structures devoted to conforming use provided that:

- (a) The structure shall conform to percentage of lot occupancy requirements; and
- (b) The addition or enlargement itself shall conform to use and structure requirements; and
- (c) The addition or enlargement itself shall not increase or extend any existing, nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined.

8. The maximum lot occupancy for a row dwelling in the R-4 District is sixty percent. For the subject lot, the maximum permitted lot occupancy is 730.37 square feet. The existing lot occupancy of the subject site is 769.6 square feet which includes the existing structure and the existing nonconforming open court on the west side of the building.

9. The minimum width of open court for a single family dwelling in the R-4 District is four inches per foot of height of the court, but not less than six feet. The existing open court is 3.40 feet in width, 2.6 feet less than the minimum required width. The projected increase in the height of the building will extend the nonconformance of the existing open court.

10. The minimum lot area for the R-4 District is 1,800 square feet. The minimum lot width for the R-4 District is 18 feet. The subject lot contains 1,217.28 square feet of lot area and is sixteen feet in width.

11. The subject structure is part of a unified row of row dwellings fronting on A Street which were constructed circa 1875. The structures are similar in terms of depth and floor area. The structures have varying Victorian facades. The property is located in the Capitol Hill Historic District.

12. At present, the applicants are using a den which measures approximately 7' x 11' with inadequate closet space as a bedroom for a growing child. The proposed addition

would provide sufficient bedroom and closet space to accommodate the applicants' four-member family, as well as permit the relocation of laundry facilities from the kitchen to the second floor and provide an eating area in the existing kitchen.

13. The applicants testified that the substandard size of the lot and the existing structure which pre-dates the Zoning Regulations create a practical difficulty upon the owners. The existing structure currently exceeds the allowable lot occupancy thereby precluding the construction of any addition to the structure as it exists without substantially increasing the existing nonconformity. Because the site is bordered on the north by a public street, on the east and west by similarly developed properties under other ownership, and on the south by a public alley, the applicants are unable to purchase additional land area in order to enlarge the site and bring the premises into compliance with the Zoning Regulations.

14. The applicants testified that the proposed addition would not adversely impact adjoining property owners. The proposed addition is set back so as not to be visible from A Street. The height of the structure with the proposed addition would be 34.5 feet which is below the 40 foot height permitted in the R-4 District. The addition will not increase the existing footprint of the building. There are several similar additions to dwellings in the square, however, the lot areas of those structures are larger than that of the subject site.

15. The applicants testified that they considered alternative means of providing the desired bedrooms and closet space, however, the alternatives proved impractical or not economically viable. The applicants are unable to provide the needed bedroom and closet space within the limits of the existing building due to the absence of basement and attic space and due to the interior configuration and lack of windows required for light and ventilation for bedroom space. Excavation below the building is economically impractical, could cause structural damage to the existing building, and would not serve the intended purpose in that basement areas are not in compliance with the provisions of the Building Code related to habitable space.

16. In order to conform with the Zoning Regulations on the existing substandard lot, the applicants would be required to reduce the length of the existing dwelling by 2.452 feet and fill in the existing open court. In order to achieve this, the applicants would have to demolish the rear wall of the dwelling, with Historic Preservation Review Board approval, and construct load bearing walls at the rear and west side of the structure. Although such measures would remove the need for variance relief to construct a

third story addition, the applicants feel it would not be feasible or economically viable, and further, that it would result in greater impacts on adjoining properties than the addition as proposed.

17. By memorandum dated February 9, 1989, the Office of Planning (OP) recommended that the application be denied. The OP was of the opinion that the property is not unique in terms of size, shape, topography or other existing conditions and, further, that the proposal could have substantial adverse impacts on the area.

18. Advisory Neighborhood Commission (ANC) 6B, by letter dated February 10, 1988 and representative at the public hearing, unanimously opposed the granting of the application for the following reasons:

- a. The light and view of the two adjoining properties would be adversely affected.
- b. The subject property has no unusual physical aspect or condition where the strict application of the Zoning Regulations would result in practical difficulty upon the owners.
- c. That requested relief cannot be granted without substantial detriment to the public good or impairing the intent, purpose and integrity of the zone plan through precedent; and
- d. That the applicants have failed to make a substantial showing sufficient to support the granting of variances.

19. The Capitol Hill Restoration Society (CHRS), by letter dated February 17, 1988, opposed the application. The CHRS was of the opinion that the substandard aspects of the property are not extraordinary since there are many properties in the neighborhood and the Capitol Hill area with similar dimensions; there are no aspects of the property which create peculiar or exceptional practical difficulties upon the owners since this and similar properties have been occupied in lawful, useful and convenient ways since construction; and, the proposed construction poses a threat to the public good by interfering with light and air circulation of neighboring properties and would alter the style and configuration of a unified row of houses in a designated Historic District.

20. Several neighboring property owners appeared at the public hearing in opposition to the application. The opposition was generally based on the following:

- a. The property is not affected by any exceptional topographical or structural conditions which apply solely to the subject property.

- b. The proposed addition would be out of character with and would diminish the harmony and character of the other homes on the south side of A Street.
- c. The proposed addition would destroy the low roof line at the rear of the dwellings and would deprive adjoining neighbors of light and air.
- d. The proposed addition would cast a shadow on the skylight on the dwelling at 625 A Street, reducing the neighbors' enjoyment of afternoon sunlight and possibly affecting the value of their home.
- e. The proposed addition would adversely impact light and air to windows facing the open court at 621 A Street.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicants are seeking area variances, the granting of which requires evidence of an extraordinary condition inherent in the property which would result in a practical difficulty upon the owners if the Zoning Regulations are strictly enforced. The Board further must find that the requested 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 building which does not conform to the area requirements of the R-4 District is virtually identical to nine other row dwellings abutting the property in the immediate vicinity and is similar to other properties located in the Capitol Hill Historic District. There is no unique or exceptional condition which affects this single piece of property. The reasons stated in support of the variances are personal and are not grounds to substantiate the relief requested.

The Board further concludes that the requested relief cannot be granted without substantial detriment to the public good. Due to the low, two-story character of the neighboring dwellings, the light and air to the abutting properties would be affected by the height and scale of the addition.

The Board is further of the opinion that the relief can not be granted without substantially impairing the intent, purpose and integrity of the zone plan. The Board has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 3-1 (Carrie L. Thornhill and Paula L. Jewell to deny; Charles R. Norris to deny by proxy; William F. McIntosh opposed to the motion; Maybelle Taylor Bennett 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: _____

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."

14724order/LJP47

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14724

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

Diana & Steven Kreiss
623 A Street, S.E.
D.C. 20003

Evelyn Washington, Chairperson
Advisory Neighborhood Commission 6-B
921 Pennsylvania Avenue, S.E., #108
Washington, D. C. 20003

Marjory B. Long
621 A Street, S.E.
D.C. 20003

Leslie & Susan Lepow
625 A Street, S.E.
D.C. 20003

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: _____