

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14726, of Ann Lewin, pursuant to 11 DCMR 3107.2, for variances to allow an addition to a nonconforming structure which is now exceeding the percentage of lot occupancy requirements (Paragraph 2001.3(a)), the allowable percentage of lot occupancy requirements (Sub-section 403.2) the floor area ratio requirements (Sub-section 402.4), and the rear yard requirements (Sub-section 404.1) in an R-5-B District at premises 2351 Ashmead Place, N.W. (Square 2540, Lot 273).

HEARING DATE: January 20, 1988

DECISION DATE: February 3, 1988

FINDINGS OF FACT:

1. The site, known as premises 2351 Ashmead Place, N.W., is located on the east side of Ashmead Place near its intersection with Belmont Road and 20th Street. The site is located in an R-5-B District.

2. The R-5-B District extends in all directions from the site. The area is primarily developed with row dwellings and apartment buildings. Square 2540 in which the site is located is basically triangular in shape. At the angle where Ashmead Place and 20th Street merge the lots become progressively shallow in depth and have irregular shaped rear lots.

3. The site comprises approximately 1,715 square feet and is irregularly shaped with a frontage of 23.95 feet along Ashmead Place. The lot has a consistent width for approximately the front two thirds of the site. Toward the rear of the site, the lot tapers to have a frontage of eight feet along the ten foot wide public alley which is located to the rear of the site. The alley runs from northeast at 20th Street to the southwest through the square to Ashmead Place. The site is improved with a three-story brick row structure constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. On that date the structure, by exceeding the allowed percentage of lot occupancy became nonconforming.

4. On May 26, 1987, the applicant was issued a building permit (receipt No. B321787) to allow the construction of a one-story addition which extends five-feet into the rear yard. A substantial portion of the addition, approximately 80 percent of the structural elements has been constructed. On or around July 22, 1987, the permit was suspended by a

stop work order as it was determined that the previous permits were issued in error.

5. Pursuant to 11 DCMR 3107.2, the applicant is seeking variances as captioned above to allow the addition to be completed and remain at the site.

6. The need for the addition arose when the first floor of the structure was remodeled to include a bathroom intended to accommodate the applicant's aged parents who cannot climb stairs. The bathroom partially displaced the existing small kitchen. The proposed addition is intended to extend the remaining portion of the kitchen into a workable space.

7. The architect for the applicant testified that the addition was designed so that the shadowline would have no effect on the adjacent buildings. The addition falls within the shadow of the existing structure. The Board concurs.

8. The design and materials of the addition will match those of the existing structure.

9. The addition will consist of approximately 79.24 square feet.

10. An easement exists at the southeast corner of the property. The easement grants the owner of the premises 2328 20th Street, N.W., the site adjacent to the rear of the subject site, access to a portion of the rear of the site.

11. Advisory Neighborhood Commission (ANC) 1C submitted no recommendation on the application. Neighbors of the site, including adjoining property owners submitted a petition/letter to the record in support of the application.

12. The owner of the site located to the rear of the subject property testified in opposition to the application on the grounds that there was no justification for the variance and that the addition would interfere with his use of the easement. The Board does not concur.

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 of 11 DCMR allows a lot occupancy of 60 percent. The addition will result in a structure with a total lot occupancy of 1,138.84 square feet necessitating a variance of 109.84 square feet, or 10.67 percent. Sub-section 402.4 allows an FAR of 1.8, or 3,087 square feet for the site. The addition will result in a structure containing 3,258.04 square feet, necessitating a variance of 171.04 square feet or 5.54 percent. Subsection 2001.3(a) prohibits the construction of an addition to a nonconforming structure which now exceeds the allowable percentage of lot occupancy. Sub-section 404.1 requires that a rear yard of 15 feet be provided. After the construction of the addition a rear yard of 14.98 feet will be provided necessitating a variance of 0.02 feet, or 0.13 percent.

The Board concludes that the applicant has met the burden of proof. The site is irregularly shaped and tapers sharply at the rear. This result from the triangular shape of the square and the location of the site near the angle of the intersection of Ashmead Place and 20th Street. The Board notes the very minimal extent of the variances requested and the fact that the owner was issued permits and acting in good faith completed much of the work on the addition.

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.

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case)

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

APR 21 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.

order14726/LJP34

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14726

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 APR 21 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:

Ann Lewin
2351 Ashmead Place, N.W.
Wash, D.C. 20009

Robert Malakoff
2359 Ashmead Place, N.W.
Wash, D.C. 20009

Bruce Grayson
2328 20th Street, N.W.
Wash, D.C. 20009

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

EDWARD L. CURRY
Executive Director

DATE: APR 21 1988

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REC'D FOR SECURITY

A handwritten signature in black ink, appearing to read "R. Malakoff", written vertically.

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