

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14742, of Peter E. and W. Cynthia Rell, pursuant to 11 DCMR 3107.2, for a variance from the lot width requirements (Sub-section 401.3), the lot occupancy requirements (Sub-section 403.2), and the side yard requirements (Sub-section 405.9) to construct a single-family dwelling in an R-2 District at premises 3513 - 30th Street, N.W., (Square 2068, Lot 19).

HEARING DATE: March 9, 1988
DECISION DATE: April 6, 1988

FINDINGS OF FACT:

1. The site of the proposed dwelling is an unimproved lot at 3513 30th Street, N.W., (Square 2068, Lot 19).
2. The site is in an R-2 District.
3. The applicants intend to construct a single-family dwelling on the lot.
4. On January 7, 1987, the Board granted application No. 14515 for similar variances to permit the construction of a similar house on the same lot. After the order was issued, the applicant filed a motion for a modification of plans based on the belief that revisions to the elevations of the proposed structure could be made as long as they were confined to the foot print of the structure. On November 4, 1987, in action on case No. 14515, the Board voted to reject the applicants' request for a modification of plans approved in that case, because the revised plans significantly were beyond the basis for the Board's hearing and consideration of the case. Rather than build according to the original plans, the applicants chose to file application No. 14742 for approval of the revised plans.
5. The applicants have revised the roof design to allow more sunlight onto adjacent lots, and have made the front facade more compatible with the design of other houses on the block. The applicants did not change the structure's footprint.
6. The lot is twenty-five feet wide. The proposed house will leave a five-foot side yard at the northern edge of the lot.
7. The south wall of the proposed house will be five feet from the north wall of the adjacent house.

8. The proposed house will be longer than it is wide, thereby minimizing its impact on the light and air received by adjacent lots.

9. Most of the houses on the block do not satisfy the minimum side yard requirements, because the block was subdivided before the adoption of the 1958 Zoning Regulations.

10. Of the ten lots on the block which face 30th Street, eight are twenty-five feet wide or less.

11. Of the fourteen houses on the block, eleven are constructed on a property line. Most of these houses are semi-detached.

12. The lot is within Advisory Neighborhood Commission (ANC) 3C. The ANC, which neither supported nor opposed the applicants' earlier proposal, supports the revised proposal because it is more responsive to neighborhood concerns about crowding and appearance. The Board concurs with the ANC's recommendation.

13. A representative of the owner of 3519 and 3521 30th Street, N.W., appeared at the hearing to express the owner's opposition to the revised proposal. The representative contends that the exceptional depth of the proposed house and its location on a property line would harm the character of the neighborhood and impair the zone plan. The Board finds that the house would not have an adverse effect on the adjoining property, the neighborhood or the zoning plan, because of the proximity and depth of other houses on the block.

14. Additional opposition to the proposed house was expressed in a letter from the owner of the property at 2923 Ordway Street, N.W., who contends that the proposed residence would aggravate problems with trash removal, parking, and alley access. The Board is persuaded that the proposed residence would be no more likely to affect trash removal, parking, or alley access than a dwelling permitted as a matter-of-right.

15. Notwithstanding the front facade, HPRB has approved the siting and footprint of the proposed house, having found these elements to be consistent with the architectural and historical character of the Cleveland Park Historic District.

CONCLUSIONS OF LAW AND OPINION:

The applicants seek variances from the minimum lot width, minimum side yard, and maximum lot occupancy

requirements prescribed in subsections 401.3, 405.9, and 403.2 of the Zoning Regulations.

The applicants are entitled to relief if, pursuant to Sub-section 3107.2, they can show that they would suffer exceptional practical difficulties due to the strict application of the Zoning Regulations and the unique nature of the lot, and that the variances would not substantially harm the public good or the intent, purpose, or integrity of the zone plan.

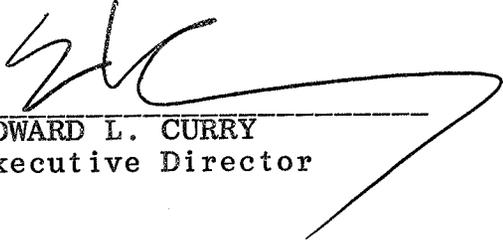
Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicants have satisfied the requirements of Sub-section 3107.2. The exceptionally narrow lot would so limit the lot occupancy and width of a matter-of-right structure as to make development of the lot impractical. Although narrower and longer than most of the houses on the block, the proposed house will have little effect on the already crowded condition of the neighborhood. The applicants have also shown that the revised proposal will have less effect on light and air than the previous proposal. Consequently, the structure will not substantially harm neither the public good nor the intent, purpose, or integrity of the zone plan.

The Board has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED, that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 32A of the record.

VOTE: 4-0 (Maybelle Taylor Bennett, William F. McIntosh, Charles R. Norris, and Carrie L. Thornhill to grant; Paula L. Jewell 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: AUG 12 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."

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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.

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