

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14745 of Mr. and Mrs. Jonathan S. Hoak, pursuant to 11 DCMR 3107.2, for a variance from the prohibition against allowing an addition to a nonconforming structure, such addition causing a new nonconformity regarding the required rear and side yard requirements (Paragraph 2001.3(b) and (c)), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the side yard requirements (Sub-section 405.9) in an R-1-B District at premises 3320 Highland Place, N.W., (Square 2075, Lot 806).

HEARING DATE: January 27, 1988
DECISION DATE: January 27, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3320 Highland Place, N.W. is located on the southside of Highland Place between 34th Street and 33rd Place. The site is located in an R-1-B District.
2. The R-1-B District extends in all directions from the site. The area is primarily improved with single-family detached homes.
3. The site is quadrilateral in shape with a frontage of 58.74 feet along Highland Place. The site has an area of 4,960 square feet and is improved with a two and one-half story plus basement framed house and an attached addition. The structure was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. On that date the structure became nonconforming with regards to rear yard requirements.
4. The proposed one-story addition will cover 367.75 square feet. The addition will be located at the southeast corner of the structure and is designed to house a breakfast room and family room to supplement the existing kitchen.
5. The proposed addition will replace the existing addition which is in a deteriorated condition. The proposed addition will contain 147.50 square feet. The Zoning Administrator calculated the total area of the proposed addition to include the lot area of an existing wing of the structure as both will be covered by a new roof. The total lot area of these portions will be 367.75 square feet.

6. Alternative locations or arrangements of the addition would be very visible from Highland Place impacting negatively on the structure's historic appearance and prominent bracheted overhanging bay which is located at the side of the house. A staircase and powder room are located on the interior of the side of the structure. An addition would not logically be located at this area.

7. The addition will be located to the north of the property to the rear of the house and will not block sunlight from reaching the adjoining property. The proposed addition will be adjacent to an existing garage on the property to the west of the subject site. The location is surrounded by mature vegetation and will essentially be unseen from Highland Place.

8. The plans for the addition have received conceptual approval from the Architectural Review Committee of the Cleveland Park Historic Society and the D.C. Historic Preservation Review Board.

9. By memorandum dated January 12, 1988, the Office of Planning (OP), recommended denial of the application as it is of the opinion that the variance relief is not justified based on the burden of proof required by Sub-section 3107.2 and the proposed variances will be inconsistent with the intent, purpose and integrity of the Zoning Regulations. For reasons put forth below, the Board does not concur with the reasoning and recommendation of the OP.

10. By letter dated January 25, 1988, Advisory Neighborhood Commission (ANC) 3C submitted no report on the application. The Commissioner for the Single Member District involved stated that she had heard of no objections to the application and that she was not opposed to the application.

11. The three owners of property adjacent to the site submitted letters to the record in support of the application.

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

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 unusual 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 substanti-ally impair the intent, purpose and integrity of the zone plan.

11 DCMR, Section 404.1 of the Zoning Regulations requires that a rear yard of 25 feet be provided for the site. The proposed addition will provide an average rear yard of one foot necessitating a variance of 24 feet, or 76 percent. Sub-section 405.9 requires that a side yard of eight feet be provided. With the proposed addition, the structure will provide side yards of eighteen feet and 0.5 feet necessitating a variance of 7.5 feet or 93.75 percent. Section 2001.3(b), (c) prohibits the construction of an addition to a non-conforming structure when such addition will cause a new nonconformity.

The Board concludes that the applicant has met the burden of proof. The proposed addition will replace an existing addition which is in a dilapidated condition. Alternative locations on the site for the addition would impact negatively on the structure's historic appearance and would not be feasible in structural or circulation terms.

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. 5 of the record.

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and John G. Parsons to grant; William F. McIntosh abstaining).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 29 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.

14745order/LJP34

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14745

As Acting 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 29 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:

David T. Jones
1518 K Street, N.W.
Wash, D.C. 20005

Patricia Wamsley, Chairperson
Advisory Neighborhood Commission 3-C
2737 Devonshire Place, N.W.
Washington, D. C. 20008

A handwritten signature in black ink, appearing to read "E. L. Curry".

EDWARD L. CURRY
Executive Director

DATE: APR 29 1988

P-600 311 889

D. T. Jones

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