

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14751 of Christopher J.W. and Jane H. Nuthall, pursuant to 11 DCMR 3107.2, for a variance from the minimum rear yard requirements (Sub-section 404.1), a variance from the allowable percentage of lot occupancy requirements (Sub-section 403.2), a variance from the minimum width of the open court requirements (Sub-section 406.1), and a variance to allow a third floor addition to an existing single-family dwelling which extends the nonconforming aspect of the structure (Sub-section 2001.3) in an R-4 District at premises 1224 North Carolina Avenue, N.E., (Square 1012, Lot 5).

HEARING DATE: February 17, 1988
DECISION DATE: February 17, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of North Carolina Avenue between 13th Street and Tennessee Avenue and is known as premises 1224 North Carolina Avenue, N.E. It is zoned R-4.

2. The site is irregularly shaped with a frontage of seventeen feet along North Carolina Avenue and a depth of 56.74 feet on the west property line and 60.86 feet on the east property line. The site abuts a ten foot public alley to the rear.

3. The site is currently developed with a brick single family row dwelling, constructed at the turn of the century, which measures three stories in height at the front and two stories at the rear. The site is currently nonconforming as to the lot area, lot width, rear yard, lot occupancy and width of open court requirements of the Zoning Regulations.

4. The applicants propose to construct a third story addition to the rear of the existing structure which will house a master bedroom. The proposed addition will not increase the footprint of the existing dwelling.

5. The third floor of the existing structure contains two very small rooms. Because of the narrow width of the dwelling and the shallow depth of the third floor, the addition is needed to allow the reconfiguration of the third floor to provide adequate bedroom space.

6. The applicants propose to remove the existing vinyl covering at rear of the structure, repoint the exposed brick and use matching brick for the proposed addition. The applicant has received conceptual approval for the project from the Historic Preservation Review Board.

7. The Board waived its Rules to accept the filing of the report of Advisory Neighborhood Commission (ANC) 6A less than seven days prior to the public hearing. By letter dated February 10, 1988, and by a representative at the public hearing, ANC 6B supported the application on the grounds that (a) the proposed construction does not appear to have a detrimental effect on property in the surrounding area; (b) the applicants are working closely with the D.C. Office of Historic Preservation to comply with Historic Standards; and (c) there was no opposition from the neighborhood. The Board so finds.

8. The Office of Planning, by memorandum dated February 9, 1988, recommended that the application be granted. The OP was of the opinion that the proposed addition would not increase or extend any existing nonconformity and is not likely to impact the area adversely. The Board concurs with the recommendation of the OP.

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

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 a showing through substantial evidence of a practical difficulty upon the owners arising out of some exceptional or extraordinary condition inherent in the property itself. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that the applicants have met the burden of proof. The subject site and existing structure pre-date the 1958 Zoning Regulations. The lot area and lot width of the subject site are substandard by the provisions of the current Zoning Regulations consequently the existing row house is large in relation to the size of the lot and violates the rear yard and open court width requirements of the Zoning Regulations. The proposed addition will not increase the footprint of the existing structure or extend any existing nonconforming aspect of the premises.

The Board further concludes that the proposed third floor addition will be unobstrusive and that the requested relief can be granted with out substantial detriment to the

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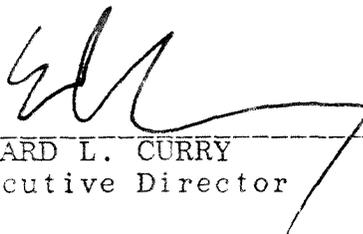


APPLICATION No. 14751

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 MAY 17 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:

Christopher & Jane Nuthall
1224 N. Carolina Ave., N.E.
D.C. 20003

Clarence Martin, Chairperson
Advisory Neighborhood Commission 6-A
Maury Elementary School
13th & Constitution Ave., N.E. Room 10
Washington, D. C. 20002



EDWARD L. CURRY
Executive Director

DATE: MAY 17 1988