

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14769, of Wilma Harper, pursuant to 11 DCMR 3107.2, for a variance from the side yard requirements ( Sub-section 405.9), a variance from the percentage of lot occupancy requirements (403.2), and a variance under Paragraph 2001.3(a), (b), and (c) to make an addition to a nonconforming structure which now exceeds the allowable percentage of lot occupancy for a proposed addition in the R-1-B District at premises 3400 - 15th Street, N.E., (Square 4008, Lot 157).

HEARING DATE: March 16, 1988  
DECISION DATE: March 16, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3400 15th Street, N.E., is located at the northwest corner of the intersection of Lawrence and 15th Streets, N.E. The site is located in an R-1-B District.

2. The site is rectangular in shape and has frontage of 20 feet along 15th Street and 75 feet of frontage along Lawrence Street. It consist of 1,500 square feet of land area and is improved with a single-family semi-detached dwelling. 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 regard to lot occupancy and structure requirements.

3. Other properties that face 15th Street in the same block of the site are developed with similar semi-detached single-family dwellings in the R-1-B District. The surrounding area can be characterized as a mix of semi-detached and detached dwelling units. The R-1-B District extends in all directions from the site.

4. As captioned above, the applicant is seeking variances pursuant to 11 DCMR 3107.2 to construct a rear addition.

5. The minimum lot area in the R-1-B District is 5,000 square feet. The subject site has 1,500 square feet and a lot width of 20 feet. A lot width of 50 feet is required. The existing house occupies 640 square feet of the site when a lot occupancy of 600 square feet or forty percent is

allowed. A side yard of eight feet is required and none is provided.

6. The proposed one-story addition will occupy 240 square feet of the site. The addition will be a rear addition measuring 12 feet by 20 feet to provide additional living space on the first floor. The applicant is experiencing severe health problems which require her living on one floor. The proposed addition will allow the applicant to achieve this objective.

7. The addition will be wood framed construction with brick veneer and aluminum siding finish. The addition is designed to be compatible with the existing structure.

8. The Office of Planning (OP) by report dated March 8, 1988, recommended that the application be approved. The OP concluded that the requested area variances are minor and are based upon a practical difficulty experienced by the owner. The proposed variances are not likely to impact the surrounding area adversely.

9. Advisory Neighborhood Commission (ANC) 5A, did not provide a report in this case. By letter dated March 16, 1988, Commissioner Virgil L. Thompson, ANCSMD-5A10, stated that granting of the variance for the purpose of the applicant will not adversely affect the neighborhood. He further stated that there has been no objections from any neighbors in the immediate area.

10. A neighbor in the area of the site testified that she was in support of the application and stated that she was unaware of any opposition to the application.

11. There was no 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 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.

The Board concludes that the applicant has met the burden of proof. The existing dwelling is a nonconforming structure built prior to the effective date of the Zoning

Regulations. The lot area and width are substantially below that required for the R-1-B District. Section 405.9 requires a side yard of eight feet. The addition will provide no side yard requiring a variance of 100 percent. The lot has an existing width of 20 feet. To provide the required side yard would reduce the addition to a width of 12 feet which would not provide adequate space and efficient circulation within the first floor. Section 403.2 requires a lot occupancy of 40 percent or 600 square feet. The existing structures occupies 640 square feet of the site. The addition will increase the lot occupancy to 880 square feet requiring a variance of 280 square feet or 46.66 percent.

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: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: MAY 5 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.