

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14886 of William R. and Vada Morell Tiefel, pursuant to 11 DCMR 3107.2, for a variance from the maximum allowable lot occupancy requirements (Sub-section 403.2) to allow a proposed one-story room addition to a single-family dwelling in an R-1-B District at premises 2426 Wyoming Avenue, N.W., (Square 2504, Lot 19).

HEARING DATE: November 9, 1988  
DECISION DATE: December 7, 1988

FINDINGS OF FACT:

1. The subject site is located on the south side of Wyoming Avenue, N.W. between Kalorama Road and 24th Street. It is in the R-1-B District.

2. The subject lot is rectangular in shape and contains a lot area of 5,731.68 square feet. It is improved with a three-story detached single-family dwelling which occupies 2,175 square feet of the lot. There is a swimming pool in the rear yard. There is no public alley through which the property can be accessed.

3. The general area is characterized by very large two- and three-story single-family detached houses. The majority of these houses occupy the maximum 40 percent of their lots. There are no alleys in this block nor in the majority of the blocks in this area.

4. The applicant proposes to expand the three-story house to the south (rear) to build an enclosed sun porch. The proposed addition would measure 16 feet in length and 43.5 feet in width.

5. In an R-1-B District, the Zoning Regulations require a minimum lot area of 5,000 square feet. A maximum lot occupancy of 40 percent is permitted. The rear yard must measure at least 25 feet and eight-foot side yards are required.

6. The proposed sun porch would be 13 feet (one story) high. It would extend 16 feet from the house and measure 42 feet wide. Seventy five percent of the structure would be glass. The Zoning Administrator's calculations indicate that the addition would occupy 696.0 square feet of space creating a total lot occupancy of 2,871.0 square feet

or 50.09 percent. The applicants testified that the addition would be only 672 square feet thereby creating a total lot occupancy of a little less than 50 percent. According to the Zoning Administrator, a variance of 578.31 square feet (25.22%) should be sought. Using the applicants' figures, the variance needed would be only about 550 square feet.

7. A sun porch of 117 square feet could be built without a variance. However, the applicants expressed a preference for a larger addition.

8. The applicants testified that the sun porch is needed for health reasons. The addition would protect them from the sun yet allow them to enjoy the outdoors at the rear of their property. The applicants testified that there is nothing particularly unique about their property nor is there a practical difficulty created by the characteristics of their property. They noted however that the addition would occupy a smaller portion of their lot than structures on neighboring lots occupy.

9. The Office of Planning (OP), by report dated November 2, 1988, recommended denial of the application. OP pointed out that the subject site is rectangular in shape and that it originally sloped to the south and west but presently is flat. All of the other properties in this block are similar in size and shape and have been developed in approximately the same manner. OP notes that the R-1 District is the most restrictive Zone District in the Zoning Regulations, and that it was designed to protect quiet residential areas developed with single-family detached dwellings.

OP believes that granting the variance will have adverse area impacts since the amount of open space would be greatly reduced in a district designed to protect well-established residential areas with detached single-family homes. Finally, OP was of the opinion that the variance requested is excessive and, if granted, will impair the intent, purpose and integrity of the Zone plan for the city.

10. Advisory Neighborhood Commission (ANC) 1D did not take an official position on the application.

11. No one appeared at the hearing to testify in support of or in opposition to the application.

12. The record was left open for the submission of a survey plat which accurately reflects the lot area and other dimensions of the subject property and a statement which addresses the issue of practical difficulty. The Board received from the applicants' statements dated November 25 and 27, 1988, addressing the variance requirements in the

Zoning Regulations. The applicants maintain that their property is irregular in shape because it lacks the additional 200 square feet needed to make it regularly shaped. They maintain that the additional 200 square feet would reduce their variance request to 378.31 instead of the 578.31 square feet as proposed. The applicants also set forth the health problems which prompted their decision to build the sun porch. Finally, the applicants stated that granting the variance would not create a substantial adverse impact in the area or impair the intent, purpose and integrity of the Zone plan. No survey plat was submitted into the record.

13. The Board finds that the surveyor's plat, Exhibit 2 of the record, is to be relied upon for the dimensions of the subject property.

#### CONCLUSIONS OF LAW AND OPINION

Based upon the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a variance from the lot occupancy requirements to allow a sun porch addition to a detached single-family dwelling in an R-1-B District. The granting of variances 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 granting the requested relief 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 not met this burden of proof.

The Board concludes that the property is rectangular in shape, flat in topography and is typical of other lots in the area. While the Board understands and sympathizes with the need for the addition in light of the applicants' health conditions, the Board concludes that there is nothing unique or exceptional about the property itself which creates a practical difficulty for the owner.

The Board concludes that the public good would not be served by granting the variance, and to grant the requested relief would substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

The ANC has taken no position to which "great weight" can be afforded. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Carrie L. Thornhill, William F. McIntosh,  
and Paula L. Jewell to deny; Maybelle Taylor  
Bennett to deny by proxy; Charles R. Norris  
not voting, not having heard the case).

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

ATTESTED BY: Edward L. Curry  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: AUG 24 1990

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."

14886order/BHS25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 14886

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated AUG 24 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

William H. Price  
7004 - 22nd Place  
Hyattsville, Maryland 20783

William R. Tiefel  
Vada Mcrell Tiefel  
2426 Wyoming Avenue, N.W.  
Washington, D.C. 20008

Jean Lindley, Chairperson  
Advisory Neighborhood Commission 1-D  
1900 Connecticut Avenue, N.W.  
Washington, D. C. 20009

  
EDWARD L. CURRY  
Executive Director

DATE: AUG 24 1990