

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15607 of Joanne Salop, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to a nonconforming structure that now exceeds the allowable percentage of lot occupancy requirements [Paragraph 2001.3(a) and (c)], a variance from the allowable lot occupancy requirement (Subsection 403.2), and a variance to exceed the three-story limitation (Subsection 400.1) for renovation and a fourth story addition to a single-family row dwelling in an R-3 District at premises 1354 27th Street, N.W. (Square 1239, Lot 154).

HEARING DATE: January 22, 1992
DECISION DATE: March 4, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 1354 27th Street, N.W., on the west side of the street between O Street and Dumbarton Avenue, N.W.

2. The site is in the Georgetown neighborhood within the northwest sector of the city and within the boundaries of the Georgetown Historic District. It consists of 806 square feet of land area and is improved with a three-story plus attic row single-family dwelling built in 1940. The site is zoned R-3.

3. The R-3 District permits matter of right development of single-family residential uses, including detached, semi-detached and row dwellings, with a minimum lot area of 2,000 square feet, minimum lot width of 20 feet, a maximum lot occupancy of 60 percent, and a maximum height of three stories/40 feet.

4. The area surrounding the site is characterized by single-family row dwellings and flats, and borders Rock Creek Park.

5. The applicant is proposing to modify the attic at the rear of the structure and create a dormer that would serve as a work/plant room, a space for laundry facilities, and a powder room. The proposed dormer would consist of approximately 203 square feet of floor space. The applicant also proposes to construct a small metal balcony on the exterior of the proposed dormer. The balcony would comprise approximately 40 square feet of floor space.

6. The subject property is nonconforming and already exceeds the lot occupancy requirements. The size of the lot is less than half of the minimum lot area requirements for the R-3 zone district in which it is located. With the proposed addition, the lot

occupancy would be 66.6 percent, exceeding the maximum permitted by 53.11 square feet.

7. By letter dated March 5, 1991 and through a representative at the public hearing, the applicant indicated that she has spent a lot of money improving the home, and that the home no longer meets her space needs, and lacks extra space that can be used for storage, laundry, tool and a work bench.

8. The applicant's representative testified that the improvements and the additions to the house will not be visible from any public way. He stressed the applicant's need for more space. He stated that there is no place in the building for functions that are usually housed in the basement, laundry facilities, work and storage space and an extra bathroom.

9. The applicant's representative added that the project has been granted conceptual approval by the Fine Arts Commission with minor changes to the balcony. He indicated that the proposed work place is not to be used as a carpentry shop, and that the activities in it would not generate abnormal noise.

10. The applicant submitted letters in support of the application from two residents of the area.

11. By memorandum dated January 14, 1991 and through testimony at the public hearing, the Office of Planning (OP) stated that the proposed dormer in this application would provide the applicant with needed additional living space. A practical difficulty exists in this case because of the substandard size of the subject lot and the relatively small size of the existing structure. The proposed addition, not including the balcony, if approved, is not likely to adversely impact the surrounding neighborhood in terms of environmental quality, noise or structural density. Moreover, the use and design of the proposed addition, less the balcony, would not substantially impair the intent, purpose, and integrity of the Zoning Regulations and would not have a negative impact on the privacy of the adjacent properties or other properties in the immediate neighborhood. Therefore, the Office of Planning recommends approval of this application with the condition that the applicant forego the balcony addition.

12. OP further stated that because practical difficulty exists in this case, it is important to permit reasonable change to the existing structure which would make it more livable. However, the Office of Planning stressed the fact that its support of the applicant's request for the proposed expansion of the attic does not extend to the proposed addition of a balcony which extends the nonconforming aspect of the structure regarding lot occupancy.

The Office of Planning believes that the balcony addition would impair the intent and purpose of the zone plan for the R-3 District.

13. Advisory Neighborhood Commission (ANC) 2E did not submit a written report or appear at the public hearing to express its views on the application.

14. By letter dated January 9, 1992, and through testimony at the public hearing, the owner and occupant of 2704 O Street, N.W., the most adjacent premises to the subject property opposed the application.

15. He testified that the hardship claimed by the applicant is self-created and that the proposed applicant would seriously reduce the privacy, peace and value of his property. He added that the modification would be aesthetically undesirable because it would create a pronounced new volume of built-up space.

16. Three other residents of the neighborhood testified in opposition to the application. They added that Georgetown is well known for small-sized lots and building restrictions which prohibit even minor modifications. Houses are bought in this area with the understanding that the purchaser will neither be allowed to modify the property, nor be exposed to the risk of modifications of neighboring houses which would have unfavorable impact on adjacent property.

At the conclusion of the hearing, the Board left the record open until January 29, 1993 for the parties in the case to submit post hearing materials.

FINDINGS OF FACT:

Based on the evidence of the record, the Board finds as follows:

1. There are other similar lots and structures in the neighborhood.
2. The subject property has no exceptional or extraordinary characteristics or conditions. The structure's nonconforming status is unrelated to the structure's height.
3. The Board agrees with the issues raised by the opposition.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking variances to modify and create a dormer in an existing nonconforming three-story plus attic, single-family row dwelling in an R-3 District. Granting such 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. Further, the Board 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 applicant has not met this burden of proof. The subject lot is not unique. Small lot sizes are characteristic of the immediate neighborhood. There are other properties nearby that are similar to the subject property in terms of size, shape, width, and depth. There is nothing exceptional or extraordinary about the subject structure that would be a reasonable basis for allowing the applicant to exceed the number of stories limitation.

It is the opinion of the Board that to allow the variances under these circumstances, where the tests for variance relief have not been met, would substantially impair the intent, purpose and integrity of the Zoning Regulations.

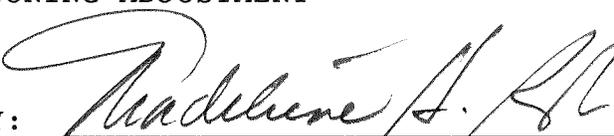
The Board notes that ANC-2E failed to present issues and concerns to which "great weight" could be accorded.

In light of the foregoing, the Board concludes that the application is hereby **DENIED**.

VOTE: 5-0 (Sheri M. Pruitt, Angel F. Clarens, Paula L. Jewell and Carrie L. Thornhill to deny; William L. Ensign to deny by absentee vote).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

AUG 1 1994

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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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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15607

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 1 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Westy McDermid, Chairperson
Advisory Neighborhood Commission 2-E
3265 S Street, N.W.
Washington, D.C. 20007

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1350 27th Street, N.W.
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A large, stylized handwritten signature in black ink, reading "Madeliene H. Robinson".

MADELIENE H. ROBINSON
Director

DATE: AUG 1 1994