

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15611 of Reginald and Louise Webb, as amended, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Subsection 404.1) for an addition to a semi-detached structure in an R-2 District at premises 706 Decatur Place, N.E. (Square 3789, Lot 9).

HEARING DATE: December 18, 1991
DECISION DATES: February 5 and March 4, 1992

DISPOSITION: The Board DENIED the application by a vote of 3-1 (Angel F. Clarens, Sheri M. Pruitt and Paula L. Jewell to deny; Carrie L. Thornhill opposed to the motion; Tersh Boasberg not present, not voting).

FINAL DATE OF ORDER: December 3, 1992

ORDER UPON FURTHER HEARING

The Board denied the application by its order dated December 3, 1992. By memorandum received on December 7, 1992, the applicants filed a timely motion for reconsideration of the Board's decision. The bases for the motion for reconsideration are as follows:

1. One of the applicants has a degenerative joint disease in both hips and movement up and down stairs is restricted. The addition, a sunroom, would allow for rest on the ground floor thereby minimizing the need to use the stairs.
2. The applicants have revised the plans to reduce the thickness of the rear wall. This reduction eliminates the need for a lot occupancy variance.
3. The reduction in the rear wall also reduces the variance relief needed for the rear yard. Originally, the rear yard variance was for 3.5 feet. Under the revised plans, the rear yard variance would be for 3.21 feet.
4. The relief is needed to enable the applicants to provide adequate space for full access and maneuverability by a wheelchair occupant. The minimum spatial requirements and design standards for the physically immobile require a space slightly larger than a "matter-of-right" six-foot addition. The subject plan represents the minimum spatial requirements established for this design

consideration. Structural limitations restrict further reductions in the floor plan and therefore underline the need for the requested variance.

5. In its deliberation of the initial application, the Board suggested a possible interior rearrangement of the kitchen and dining areas to create a living space similar to the proposed addition. However, the physical requirements of this suggestion would necessitate major plumbing, furnace and kitchen redesign. These alterations would make the proposal considerably more expensive and uneconomical.
6. The subject lot is smaller than the Zoning Regulations require it to be. The lot area is 1,800 square feet where 3,000 square feet is required. The small size of the lot creates a practical difficulty for the applicants in creating an addition that meets their needs and meets the requirements of the Zoning Regulations.
7. The applicants have received letters of support from their adjacent neighbor at 708 Decatur Place, Advisory Neighborhood Commission 5A, and Councilmember Harry L. Thomas.
8. The proposed addition is compatible with similar rear additions in the neighborhood. It would allow for sixty feet between the rear of the addition and the neighbors house to the rear. Therefore, granting the requested relief will not be detrimental to the public good or to the zone plan.

Advisory Neighborhood Commission (ANC) 5A submitted a letter dated December 29, 1992, in support of the application and the motion for reconsideration. The ANC expressed support for the application so that the applicants can make the necessary adjustments to their home to meet their health needs.

No other responses to the motion for reconsideration were received.

The Board considered the motion and the response at its public meeting of January 6, 1993. The Board decided to vacate its order and schedule the revised application for further hearing on February 3, 1993.

At the special public hearing of February 3, 1993, the applicant appeared and set forth the evidence and arguments presented above.

Upon consideration of the motion and the record in the case, the Board finds as follows:

1. The subject property is 1,200 square feet smaller than required by the Zoning Regulations.
2. The other properties in the area are similar in size to the subject property.
3. The small size of the property prevents the applicant from constructing an addition that meets the rear yard requirements and provides for reasonable use of the property by one of the owners of the home.
4. The interior of the structure (the kitchen and dining area) is configured such that a useful addition that complies with the regulations cannot be constructed without substantial reconfiguration and plumbing work.
5. There are many rear additions to properties located in the vicinity of the subject site. The proposed addition will not be out of character with others in the neighborhood.
6. Members of the community have expressed support for the relief requested.
7. The relief requested has been reduced and the rear yard variance is minor.

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a variance from the rear yard requirements to construct a sunroom addition to property located in R-2 District. The granting of such a variance 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 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 small size of the lot and the interior configuration of the structure create a practical difficulty for the owner in making reasonable use of the property in light of the owner's need for wheelchair accessibility.

The Board concludes that granting the requested variance will not be of substantial detriment to the public good nor will it substantially impair the intent, purpose or integrity of the zone plan.

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The Board concludes that it has accorded ANC 5A the "great weight" to which it is entitled.

In light of the foregoing, the Board concludes that the application is hereby GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with plans marked as Exhibit No. 27-A of the record.

DECISION DATE: January 3, 1993 (Bench Decision)

VOTE: 3-0 (Carrie L. Thornhill, Sheri M. Pruitt and Paula L. Jewell to grant; Angel F. Clarens not present not voting).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: FEB 1 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

15611Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on _____ 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:

Mr. & Mrs. Reginald Webb
706 Decatur Place, N.E.
Washington, D.C. 20017

Brian K. Flowers, Chairperson
Advisory Neighborhood Commission 5A
Slowe School Demountable
14th & Irving Streets, N.E.
Washington, D.C. 20017



MADELIENE H. ROBINSON
Director

DATE: _____

15611Att/bhs