

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15688 of Helena C. Newsome, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now does not meet the minimum width of the open court requirements and will extend the nonconformity [Paragraph 2001.3(b) and (c)], and a variance from the lot occupancy requirements (Subsection 403.2), and a variance from the minimum width of the open court requirements (Subsection 406.1) for a two-story addition to a nonconforming structure in an R-4 District at premises 613 14th Street, N.E. (Square 1051, Lot 37).

HEARING DATE: September 9, 1992  
DECISION DATE: September 9, 1992 (Bench Decision)

ORDER

SUMMARY OF EVIDENCE:

1. The property that is the subject of this application is located at 613 14th Street, N.E. The property is improved with a two-story rowhouse with a footprint of 755.25 square feet. It is zoned R-4.

2. The R-4 District permits matter of right development of residential uses, including detached, semi-detached and row single-family dwellings and flats with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet a maximum lot occupancy of 60 percent, and a maximum height of three stories/40 feet.

3. The subject site is located on the east side of 14th Street between F and G Street N.E. and consists of one lot of record which contains 1,700 square feet of land area. The lot is 17 feet in width, 100 feet in depth, and has a rear yard depth of 51.75 feet. A narrow four-foot wide open court is located along the dwelling's north side. A 20-foot wide public alley abuts the rear of the property, extending to the north, south and east.

The area surrounding the subject property is characterized primarily by older, single-family rowhouses. The intersection of 14th Street and Maryland Avenue N.E. is located one block to the north of the subject site.

4. The applicant is proposing to construct an addition to the rear of an existing rowhouse. The two-story rowhouse was constructed in 1908 and contains a kitchen on the first floor, and two bedrooms on the second floor.

5. The applicant indicated that according to the Zoning Regulations, the new setback is six feet, instead of the four feet that is there now. Because the lot is only 17 feet wide, if six feet are taken off, the owner would have 11 feet, and the thickness of the walls would consist of only nine feet on the inside for an addition. This is a hardship on the applicant, and makes the addition expensive to build. Therefore, a variance is needed to extend the kitchen, and the addition to the kitchen.

6. The applicant testified that the practical difficulty in the property, was meeting the setback requirements in the Zoning Regulations. If the requirements are adhered to, the six-foot setback would result in a narrow room. This means that the setback will be deeper than the present setback and there will be only 11 feet on the exterior of the addition. In addition, deducting the masonry walls that the addition is being constructed of, will leave a little over nine feet and six inches on the inside.

7. The applicant stated that the addition would include a third bedroom on the second floor.

8. The applicant also indicated that a majority of the houses in the area are constructed the same way.

9. By memorandum dated September 1, 1992, the Office of Planning (OP), recommended denial of this application. OP noted the location of the site and the proposed use. OP stated that the applicant is proposing to construct a two-story rear addition to an existing rowhouse. The proposed addition would have a footprint of 247 square feet and would contain additional kitchen space on the first floor and a bedroom and bathroom on the second floor.

10. OP is of the opinion that the applicant has not met the burden of proof relative to the requested zoning relief in this case. The subject property is not unique in the neighborhood in terms of lot area, lot width, open court width, space and building footprint. Many similar properties are located within the same square. No extraordinary or exceptional situation or condition exists in this case which would create a practical difficulty for the applicant if this application is not granted. As a matter of right, the applicant could enlarge the existing first-floor kitchen as well as build a new bathroom and second-floor back bedroom if the proposed addition's footprint were reduced to 152.75 square feet.

11. By memorandum dated July 10, 1992, the Department of Public Works (DPW) stated that the subject proposal would have no impact on the local transportation system. Therefore, the Department has no objection to the proposal.

12. By memorandum dated May 11, 1992, the Metropolitan Police Department (MPD) stated that the change proposed by this application will not affect the public safety in the immediate area or generate an increase in the level of police services now being provided.

13. The subject site is located within the jurisdictional boundaries of Advisory Neighborhood Commission (ANC) 6A. The ANC failed to take a position on this application.

14. There was no testimony in support of this application.

15. There was no testimony in opposition to this application.

**FINDINGS OF FACT:**

Based on the evidence of record, the Board finds the following:

1. Board agrees with the report and recommendation of the Office of Planning.

2. The subject property is not unique, and is similar to other properties in the neighborhood.

**CONCLUSIONS OF LAW AND OPINION:**

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a variance to allow an addition to an existing nonconforming structure that does not meet the minimum width of the open court requirements and will extend the nonconformity, and a variance from the lot occupancy requirements, and a variance from the minimum width of the open court requirements for a two-story addition to a nonconforming structure in an R-4 District.

The Board concludes that the applicant has not met the burden of proof. The Board concludes that the property is not unique, that other properties in the same square are similar in terms of lot area, lot width, open court width, and building footprint.

Finally, the Board concludes that the applicant could construct a rear addition with a footprint of approximately 152.75 square feet which would be in compliance with the R-4 District maximum permit lot occupancy requirements. In addition, this would permit an increase in the dwelling's kitchen area on the first floor and allow construction of a second-floor bathroom and bedroom of reasonable dimensions.

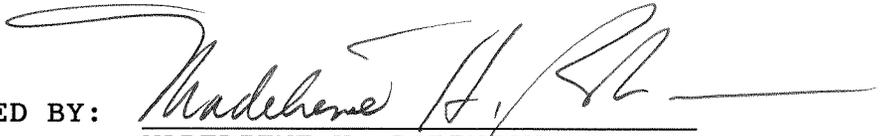
BZA APPLICATION NO. 15688  
PAGE NO. 4

The Board further concludes that granting the application would be of substantial detriment to the public good and would substantially impair the intent, purpose and integrity of the zone plan. In light of the foregoing, the Board hereby **ORDERS** that the application is **DENIED**.

VOTE: 5-0 (Angel F. Clarens, Carrie L. Thornhill, Paula L. Jewell, Maybelle Taylor Bennett, and Sheri M. Pruitt to deny).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

AUG 2 1994

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."

15688Order/LH/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15688

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 2 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:

Helena C. Newsome  
613 14th Street, N.E.  
Washington, D.C. 20002

Clayton L. Pittiglio  
13611 Wendover Road  
Silver Spring, Maryland 20904

Herbert Harris, Jr., Chairperson  
Advisory Neighborhood Commission 6A  
1341 Maryland Avenue, N.E.  
Washington, D.C. 20002

  
MADELIENE H. ROBINSON  
Director

DATE: AUG 2 1994

15688Att/bhs