

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15757 of Dr. Crystal A. Kuykendall, pursuant to 11 DCMR 3107.2, for a variance from the side yard requirements (Sub-section 405.9) to construct a two-story addition to a detached dwelling in an R-1-B District at premises 2936 Carlton Avenue, N.E. (Square 4318, Lot 846).

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

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 2936 Carlton Avenue, N.E., on the north side of the street between South Dakota and Central Avenues N.E.

2. The site comprises 9,063.66 square feet of land area and is improved with a two-story single-family dwelling. A 400 square-foot detached carriage house is located at the rear of the subject dwelling. The site has a 45-foot frontage on Carlton Avenue. A 15-foot wide building restriction line traverses the front of the property along Carlton Avenue. The site does not have access to a public alley. It is zoned R-1-B.

3. The R-1-B zone district permits matter of right development of single-family uses for detached dwelling with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet. A minimum width of eight feet for each side yard is required in an R-1-B District.

4. The immediate area surrounding the site is a well maintained neighborhood characterized by single-family detached dwellings.

5. The applicant requested the area variance to construct a two-story addition to the side of a detached single-family dwelling in an R-1-B District.

6. At the public hearing, the applicant testified that she is seeking the addition to provide living space and a bedroom for her adopted son. She stated that since one of the bedrooms of the subject dwelling is presently used as an office, that it will be inconvenient and expensive to locate the office to the carriage house because of the required electrical installations. She had spoken to her immediate neighbor who would be impacted by the addition and indicated that they have submitted letters in support

of the application. She indicated that she chose the addition to be made at the side of the structure because of the topography of the rear yard. She added that the need for more living space and bedrooms, the cost of relocating her office to the carriage house or elsewhere, and the topography of the rear yard which will make the addition difficult and expensive constitute a practical difficulty.

7. The applicant's architect, by testimony at the public hearing, indicated that he explored the possibility of putting the addition to the rear of the property but was hindered by budgetary constraints. He also testified that placing the addition at the back or rear of the house would entail altering the existing bedrooms and constructing a hallway to gain access to the bedroom at the back of the house.

8. By letters dated December 1 and 3, 1992, respectively, the applicant's immediate neighbors supported the application for an area variance.

9. By memorandum dated December 2, 1992 and through testimony at the public hearing, the Office of Planning (OP) recommended denial of the application. The OP indicated that the applicant has not met the burden of proof relative to the zoning relief being sought in this case. That the requested variance is excessive for the R-1-B District, would impair the intent and purpose of the zone plan for the R-1-B District, and would create a nonconformity with regard to the side yard of the property.

10. The OP further testified that the site is similar in size, shape, and topographical characteristics to other properties in the area, and that there is no practical difficulty or exceptional condition inherent in the property which would justify the area variance.

11. By letter dated November 23, 1992, Single-Member District Representatives 5A-13, 5A-14 and 5A-15 indicated support for the application provided that the immediate neighborhood of the applicant writes to support the application.

FINDINGS OF FACT:

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

1. The physical layout of the structure does not prevent its use for residential purposes or other purposes permitted in R-1-B District.

2. The addition can be achieved by alternative designs that would be in conformance with the Zoning Regulations and more consistent with the character of the neighborhood.
3. The proposed addition would create a nonconformity with regard to the side yard of the property.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a variance from the side yard requirements, to construct a two-story addition to a single-family detached dwelling in an R-1-B District. Granting such variance relief 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 applicant's need for additional bedrooms does not make the property unique.

The Board concludes that there are other properties nearby that are similar to the subject property in terms of size, shape, width, depth and topographical characteristics.

The Board notes that the requested variance is excessive for the R-1-B District in which the property is located, and would impair the intent, purpose, and integrity of the zone plan for the R-1-B District.

It is the opinion of the Board that to allow the addition 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.

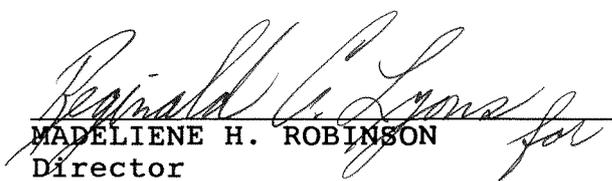
In light of the foregoing, the Board **ORDERS** that the application is hereby **DENIED**.

VOTE: 3-0 (Angel F. Clarens, Sheri M. Pruitt and Paula L. Jewell, to deny; John G. Parsons not voting, not having heard the case).

BZA APPLICATION NO. 15757
PAGE NO. 4

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

JUL 14 1994

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15757

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 14 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:

Dr. Crystal Kuykendall
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MADELIENE H. ROBINSON
Director

DATE: JUL 14 1994 .