

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15812 of Florencia Stevenson, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Subsection 404.1) for an addition to a semi-detached single-family dwelling in an R-2 District at premises 4333 Chaplin Street, S.E. (Square 5394, Lot 128).

HEARING DATE: April 21, 1993  
DECISION DATE: May 5, 1993

ORDER

The property which is the subject of this application is 4333 Chaplin Street, S.E. It is located on the south side of Chaplin Street in Square 5394 which is bounded by Alabama and Texas Avenues S.E. to the east and west, and E and F Streets, S.E. to the north and south respectively. The site is zoned R-2.

The lot contains approximately 1,900 square feet of land area with a lot width of 25.33 feet and a depth of 75 feet. It is improved with a two and one-half story, single-family, semi-detached dwelling constructed prior to enactment of the Zoning Regulations in 1958. The R-2 District in which the property is located requires a minimum lot area of 3,000 square feet, a minimum lot width of 30 feet, an eight-foot side yard and a 20-foot rear yard. Upon enactment of the Zoning Regulations, the property became nonconforming with respect to lot area and lot width.

The applicant is proposing to construct a one and one-half story rear addition with a roof deck. The addition will measure 12 feet by 17.4 feet. The rear yard is currently conforming, however, with the new addition, only 15.15 feet of the rear yard will remain. Therefore, the applicant is seeking a rear yard variance in the amount of 4.85 feet (24 percent).

Advisory Neighborhood Commission (ANC) 7A which is automatically a party in this case, did not submit a report related to the application.

Issues and Arguments:

1. Whether the property is unique or subject to an exceptional situation or condition?

The applicant's representative testified that the house is small and contains two bedrooms, a living room, a kitchen, a bathroom, and a basement. He stated that the dining room is small and antiquated. In noting the small size of the property the

applicant's representative testified that the subject lot is the same size as nearby properties and the houses in the area are more or less similar.

The applicant's representative stated that there is an extreme slope in the rear yard. It slopes from 5.4 feet to 0 feet at the property line (a 50 degree angle). However, there was no indication as to whether other properties have similar topographical conditions.

In a report dated April 13, 1993 and through testimony at the hearing, the Office of Planning stated that the area surrounding the site is residential in character, consisting primarily of semi-detached dwellings. Alabama Avenue S.E. is located one and one-half blocks to the east of the subject site and is developed with two and three-story garden-type apartment residential structures.

The Office of Planning (OP) entered into the record a Sanborn map which reveals that the subject lot is similar in size and shape to other lots nearby. It also reveals that the location and size of the house on the subject lot is the same as the location and size of other houses on nearby lots.

2. Whether the applicant faces a practical difficulty in making reasonable use of the property because of some unique or exceptional condition of the property?

The applicant's representative testified that the rear yard is unusable because of the slope in the topography. He maintained that the applicant needs to add a bathroom and a den on the first floor level because she has arthritis and finds it difficult to access the facilities upstairs. He stated that without a variance, the addition could extend seven feet to the rear and include a bathroom and a den or bedroom, however they would prefer to extend the addition five feet more for a larger area. He stated that to make such a small addition would not be financially feasible.

With regard to the rear yard the applicant's representative stated that the construction of an addition would cause the grade to be leveled off and a roof deck would provide sufficient area for outside activities.

The Office of Planning stated that the applicant is proposing to construct an addition at the rear of an existing semi-detached single-family dwelling to provide better access to essential household conveniences which have become necessary because of the applicant's advancing age and health circumstances. In the opinion of the Office of Planning, a practical difficulty necessary for the approval of a variance has not been established in this case. OP stated that the applicant's needs can be satisfied as a matter of right. A much smaller seven-foot deep addition could be built

without encroaching on the required rear yard depth. The applicant could use this space for less elaborate facilities than the ones proposed, or it could house an elevator that would provide access to facilities on the second floor.

3. Whether allowing the proposed addition will impact adversely on the area?

The applicant's representative stated that while the addition would extend into the rear yard, the adverse effects on neighboring property will be minimal. He stated that the dwellings located at 4335, 4333, 4329 and 4327 protrude four to five feet in the front and recess the same distance at the rear. He stated that 4341, 4334, 4323 and 4321 protrude outward four to five feet. Also, the dwelling at 4321 Chaplin Street has a smaller lot with an addition that extends no further than what the applicant is requesting. The applicant's representative stated that because the subject lot is somewhat larger than adjoining lots and has a 16-foot clearance between adjacent dwellings, the effects of this addition would be minimal.

The applicant's representative also pointed out that the addition would not be visible from the front of the property. Finally, he stated that the applicant's neighbors have reviewed the plans for the addition and they have no objection to it.

OP stated that the addition would extend the existing footprint of the dwelling to the rear by 12 feet. The rear yard depth would be reduced from 27.15 to 15.15 feet. In OP's opinion an addition 17.33 feet wide by 12 feet deep would create excessive structural density at the subject site and it would have an adverse impact on the light and air of adjoining properties.

4. Whether the proposed addition would adversely affect the zone plan?

Neither the applicant, nor the Office of Planning made statements with regard to this issue.

**FINDINGS OF FACT:**

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

1. The size of the lot is not unique. There are many lots of the same size near the site.

2. The size of the house is not unique. Most other houses near the property are the same or similar in size.

3. Neither the size of the lot nor the size of the house prevents the applicant from making reasonable use of the property.

4. The Board agrees with the report of the Office of Planning.

5. The houses immediately surrounding the site are currently in alignment with the subject property. The addition would take the applicant's structure out of alignment with these houses.

6. The addition would block the light and air of adjacent properties.

CONCLUSION OF LAW AND OPINION:

Based on the evidence of record the Board concludes that the applicant is seeking an area variance to allow an addition to property located in an R-2 District. Granting 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 applicant has not met this burden of proof. The applicant has failed to demonstrate that there is a unique or exceptional condition related to the property itself which creates a practical difficulty in using the property in accordance with the Zoning Regulations.

To make reasonable use of the property the applicant needs access to a bathroom and rest area. The Board concludes that as a matter of right the applicant could install an elevator to allow access to the entire house or she could construct an addition that extends seven feet to the rear. While a 7 x 17.33 foot addition would not be as economical or extravagant as the larger addition proposed, it would meet the applicants needs.

The Board concludes that to allow the addition to extend 12 feet to the rear would bring the structure substantially out of alignment with nearby houses and adversely impact the light and air of the contiguous lot. Therefore, the Board concludes that granting the relief requested would be of substantial detriment to the public good and would impair the intent, purpose and integrity of the zone plan.

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

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

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

ATTESTED BY:



MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

SEP 26 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."

15821Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15812

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 26 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:

James M. Lancaster  
1728 Potomac Avenue, S.E.  
Washington, D.C. 20003

Hovencia Stevenson  
4333 Chaplin Street, S.E.  
Washington, D.C. 20019

Julius Ware II, Chairperson  
Advisory Neighborhood Commission 7A  
P.O. Box 63463  
Washington, D.C. 20020

A handwritten signature in cursive script, reading "Madeliene H. Robinson", is written over a horizontal line.

MADELIENE H. ROBINSON  
Director

DATE: SEP 26 1994

15812Att/bhs