

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16168 of Melvoyd L. Sloan and Phillip L. Portlock, pursuant to 11 DCMR 3107.2, for a variance from the allowable percentage of lot occupancy requirements (Subsection 403.2) and a variance from the rear yard requirements (Subsection 404.1) for an addition to a single-family row dwelling in an R-4 District at premises 1161 Abbey Place, N.E. (Square 773, Lot 204).

HEARING DATE : November 6, 1996

DECISION DATE: December 4, 1996

ORDER

SUMMARY OF EVIDENCE:

1. The property that is the subject of this application is located on the east side of Abbey Place N.E. Between L and M Streets, and consists of one lot of record (Lot 204) containing 1,037.68 square feet of land area. It is improved with a two-story dwelling built in 1925. A 15-foot wide alley abuts the property to the rear (east).

2. The area surrounding the site is residential, characterized by single-family row houses with a few institutional and commercial uses interspersed throughout. Square 773 is characterized by small lots with single-family row dwellings that exceed the maximum permitted lot occupancy percentage. The Subject property is a rectangular piece of land similar to the other lots in the Square.

3. The site is located in an R-4 zone district. This zone 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 3 stories/40 feet.

4. The applicant is proposing to construct a 14-foot wide by 16-foot long addition at the rear of an existing rowhouse. The addition is intended to enlarge the kitchen and dining area.

5. The applicant contends that a practical difficulty exists in that the air conditioning which had been installed in their house took up an entire floor (the ductwork lowered the ceiling height) and made the place unusable. They further stated that this

height) and made the place unusable. They further stated that this addition is vital in their continued attempts to improve the standard of life in the neighborhood.

6. The D.C. Office of Planning (OP) offered evidence to support its recommendation that the variance be denied, as it found that a showing of practical difficulty inherent in the physical characteristics of the property and that justifies the zoning relief had not been established. Due to the proposed increase in lot occupancy, OP found that the addition would have a negative impact on the area and would impair the intent, purpose, and integrity of the R-4 zone district regulations. Furthermore, it found that the applicant could construct a modest addition as a matter of right.

7. The ANC 6A voted 7:1 to approve the application. No letters in opposition were submitted regarding this application.

8. At the close of the hearing on November 6, 1996, the Board requested that the applicant submit a comparable feasibility analysis of the cost of the addition and lowering of the basement floor, photos were to be included. The applicant submitted such evidence and concluded that it would be prohibitive to him by way of increased cost and inconvenience to do as proposed by the Board.

**FINDINGS OF FACT:**

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

1. There is no uniqueness in this property which would distinguish it from neighboring properties to the point where application of the zoning regulations would create a practical difficulty. Any practical difficulty that does exist was created by the applicant and can be easily remedied without the need for relief.

2. Inconvenience does not constitute uniqueness.

3. Another, less convenient alternative does exist for the applicant expressed in this application.

**CONCLUSIONS OF LAW AND OPINION:**

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant, pursuant to 11 DCMR 3107.2, is seeking a variance from the allowable percentage of lot occupancy requirements (Subsection 403.2) and a variance from the rear yard requirements (Subsection 404.1) for an addition to a

single-family row dwelling in an R-4 District at premises 1161 Abbey Place, N.E. (Square 773, Lot 204).

The granting of such variances requires a showing through substantial evidence that the application can be granted when by reason of an exceptional situation, the strict application of the regulation would result in a practical difficulty upon the owner of the property, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that a practical difficulty has not been established, that the public good will be adversely affected, and that the proposed relief would substantially impair the intent, purposes and integrity of the Zoning Regulations and Map.

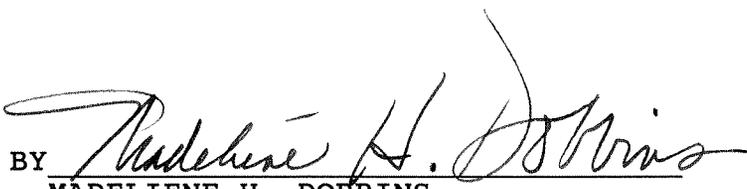
The Board concludes that the applicant has not met the burden of proof for the variance relief requested.

The Board has accorded the ANC the great weight to which it is entitled.

Based on the foregoing, the Board ORDERS that this application is DENIED.

VOTE: 3-0 (Angel F. Clarens, Sheila Cross Reid and Laura M. Richards to deny; Susan Morgan Hinton, not voting, not having heard the case).

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

ATTESTED BY   
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER MAR 28 1997

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. 16168

As Director of the Board of Zoning Adjustment, I certify and attest that on MAR 28 1997 a copy of the order entered on that date in this matter was mailed prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. DOBBINS  
Director

Date: MAR 28 1997