

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9013 Edward V. Leahy et ux, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr. William F. McIntosh not voting, the following Order was entered at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER -- May 11, 1967

ORDERED:

That the appeal for a variance from the lot occupancy and height limitation of accessory building to permit addition to existing two-story accessory building at 436 New Jersey Avenue, SE., lot 849, square 694, be conditionally granted.

FINDINGS OF FACT:

- (1) The subject property is located in an R-4 District.
- (2) The property is improved with a four-story brick row dwelling and a two-story brick rear accessory building. The lot has a 20.33 foot frontage on New Jersey Avenue, SE. and a depth of approximately 75 feet and contains 1,564.03 square feet.
- (3) The present dwelling and accessory building occupy 937 square feet of the lot and 59.9 percent of the area of the lot.
- (4) It is proposed to convert the dwelling into two duplex apartments. It is also desired to add a 5 x 10 foot prefabricated greenhouse to the second story of the accessory building.
- (5) The accessory building would be used as a workshop, playroom, hobby shop, studio-den, or study. It would be used by the tenant of the first floor apartment in the main building.

(6) The existing accessory building is 20 feet high from the garden side of the property and 16 feet high from the alley side. The proposed greenhouse would begin at a height of about 9 or 10 feet on the garden side.

(7) The proposed greenhouse addition will increase the occupancy of the existing buildings to 991 square feet and 63.3 percent lot occupancy.

(8) Section 7502.3 of the Zoning Regulations provides: "Any accessory building in any district shall not exceed one story or 15 feet in height, except that in an R-1-A or R-1-B District an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building. Any such two-story accessory building shall not exceed 20 feet in height and shall not be located within the required rear yard. Any such two-story accessory building shall also be set back from all side lot lines for a distance equal to the minimum width of required side yard in the district in which located."

(9) No opposition was registered at the public hearing, but there was concern expressed by a resident of the area as to the proposed use of the accessory building. The file contains one letter in opposition to the granting of this appeal. Letters on file also show support for this appeal by the Capitol Hill Restoration Society and the Capitol Hill Southeast Citizens Association.

(10) Appellant has presented an affidavit (Exhibit No. 9) stating that the accessory building will be used "as an additional utilitarian facility for the resident(s) of the lower of the two aforementioned dwelling units, its purpose would be versatile but limited as a place of recreation and entertainment which only supplements the main living quarters."

OPINION:

We hold that the granting of this appeal which allows for an increase in the lot occupancy for this R-4 property will not be inconsistent with the present use and occupancy of the lot and will not adversely affect the use of nearby and adjoining property. The requested relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

As the accessory building already exceeds the permissible height for such buildings in the district, we are of the opinion that the proposed use of this building will constitute an improvement of the property and will enhance the residential character of the property.

This Order shall be subject to the following condition:

There shall be no use of the accessory building as separate living quarters and no shower or tub, stove or refrigerator shall be installed in the structure. However, a toilet and hand basin may be installed.