D.C.-44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: Board of Zoning Adjustment

FROM: Madeliene H. Dobbins
Director

Tracey W. Rose
Acting Secretary to the Board

Department, Agency, Office: Office of Zoning

Date: SEP 10 1997

DISTRICT OF COLUMBIA ZONING COMMISSION '97 SEP 10 P3:57

SUBJECT: BZA Application No. 16260

APPLICATION

Application of David M. Furchgott and Fetneh A. Fleischmann, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now exceeds the allowable lot occupancy requirement and does not meet the rear and side yard requirements [Paragraphs 2001.3(a) and (b)] for an addition to a nonconforming semi-detached single-family dwelling in an R-1-B District at premises 3223 Klingle Road, N.W. (Square 2098, Lot 16).

BACKGROUND AND ANALYSIS

The applicant's property is located at 3223 Klingle Road, N.W. The majority of the structures near the site on Klingle Road, Cleveland Avenue and 34th Street are considered "community houses" - groups of three one-family dwellings, each on a separate lot, erected simultaneously as a group, with each of the outer dwellings having a side yard. Under 11 DCMR 300.3, the community house form of structure is permitted as a matter of right in an R-2 District if existing on the effective date of the Zoning Regulations.

When the Zoning Regulations went into effect the area of the subject property was zoned R-1-B rendering all lots with community houses nonconforming at least as to use. Depending on the particular lot, some properties were rendered nonconforming in other respects. With regard to the applicant's property, the rear yard side yard and lot occupancy did not conform with the requirements or allowances of the Zoning Regulations.

The street boundaries for the lot are Klingle Road to the south, Woodley Road to the north and 34th Street to the west. Woodley and Klingle Roads converge at the east creating a triangular shape of square 2098. While the lots on Woodley Road are square or rectangular in shape, most of the lots on the applicants street are angled at the rear. Because Square 2098 is angled, the applicant's lot is one of the smallest and shallowest

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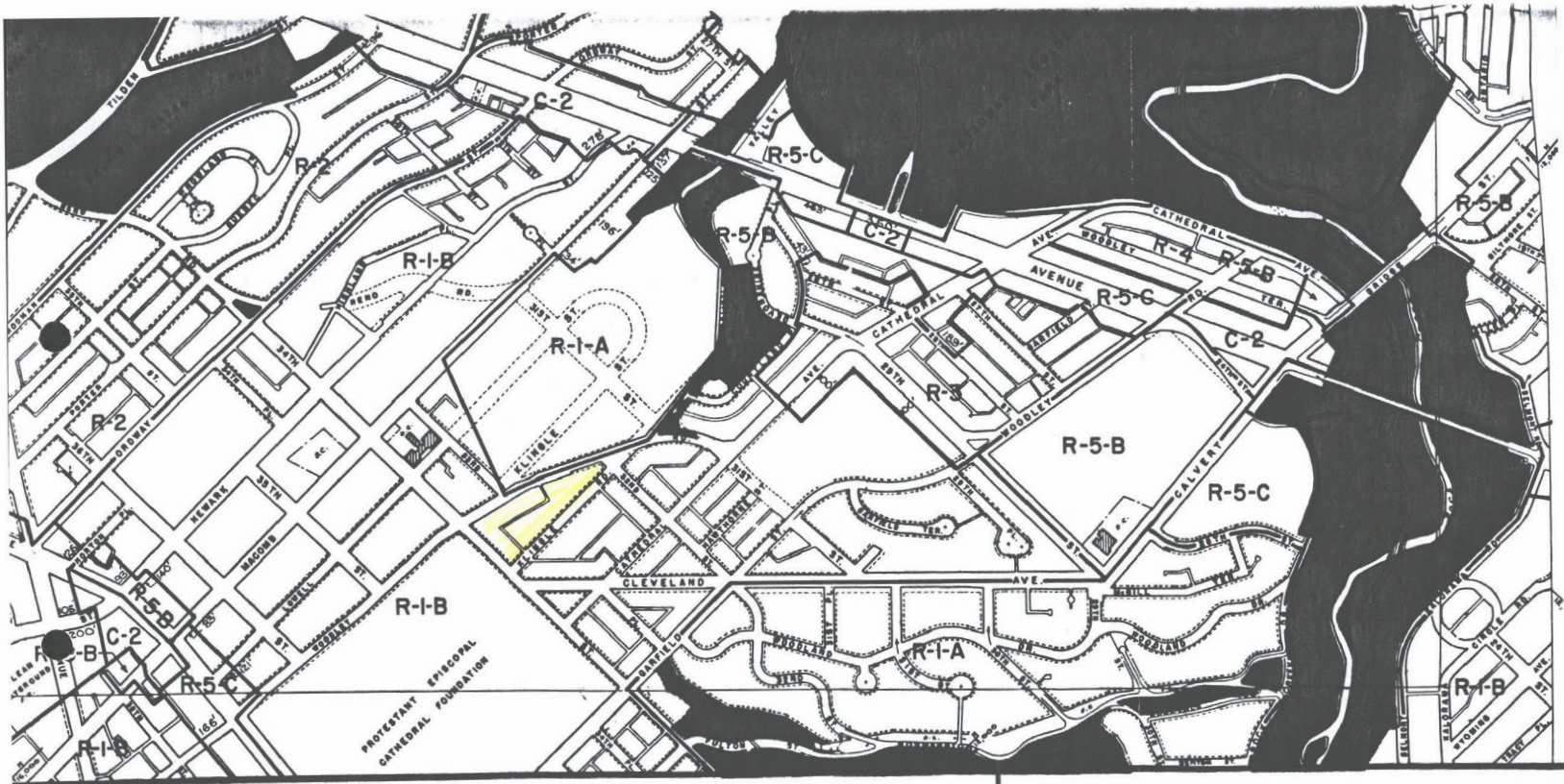
in the square. The Office of Zoning (OZ) is of the opinion that the small size and shallow depth of the lot are unique conditions which create a practical difficulty for the owners in making structural changes to their home without having to seek zoning relief.

The Office of Zoning understands that permits were issued to the previous owner to construct additions at the house. While these additions intruded into the required rear and side yards, and increased the lot occupancy, the zoning officials did not require variance relief as they should have done. The OZ believes that their failure to act as it relates to the previous construction is an exceptional situation for the current owner who wishes to make changes that do not affect his rear yard, side yard or lot occupancy. Therefore, OZ believes that the applicant has demonstrated a uniqueness and an exceptional situation that creates a practical difficulty.

On the issues of impact on the public good and impairment of the zone plan, the Office of Zoning notes that the Board is in receipt of correspondence from counsel for neighbors in opposition to the application because of impacts. However, at the time of this written report, no responses had been filed. Therefore, the OZ would recommend that these issues be fully addressed at the hearing and a determination be made once the record is complete.

Attachments

bza16260/TWR/LJP



COLUMBIA

MAP

1958 Zoning Map

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

EFFECTIVE: MAY 12, 1958


MILWAUKEE
2088
2087
2086
2094
REPUBLIC OF CHINA
B ST
33RD PL (HUBBARD)
WOODLEY
33RD ROAD
31ST ST
KLINGLE ROAD
42 ROAD
2099
2100
2101
2102
CATHEDRAL AVE
CLEVELAND
2117
2118
HAWTHORNE ST
32ND ST
2120
2124
WOODLAND DRIVE
2119
2127
80 AVE
U.S. RES.514
Baist's Atlas