GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16564 of Jonathan B. Rickert, pursuant to 11 DCMA 31.03 .2 for a variance from an addition to a single-family dwelling under Section 404.1 and 404 .4 from the rear yard Set back requirements to add a rear addition to in a R- 1- A District at premises 6683 32nd place, (Square 2351, Lot 16), N. W.

HEARING DATE: April 5, 2000

DECISION DATE: April 5, 2000 (BENCH DECISION)

DECISION AND ORDER

This Decision and Order arises from an Application from Jonathan B. Rickert for a variance from rear yard set back requirements to make an addition to a single-family dwelling in R – 1- A Zone District.

PROCEDURAL HISTORY

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR 3113.2

On September 20, 2000, the Office of Zoning (OZ) received an application from Jonathan B. Ricket for a variance for an addition to a single-family dwelling under Sections 404.1 and 404. 4 from the rear yard set back requirements to add a rear addition in a R-1-A zone District.

The subject property is located at premises 6683 32nd Place, N.W., (Square 2351, Lot 16). It is within the jurisdiction of Advisory Neighborhood Commission (ANC) 3G.

The Office of Zoning (OZ), in memoranda dated February 4, 2000, referred the application to the Office of Planning (OP), the Zoning Administrator (ZA), and ANC-3G for reports and comments.

The Board scheduled a public hearing for the case for April 5, 2000. Pursuant to 11 DCMR Subsection 3317.3. The OZ mailed the public hearing notice to the applicant, owners of property 200 feet of Mr. Rickerk's property and to ANC-3G. The public hearing notice was also published in the D.C. Register. Mr. Jonathan B. Ricket submitted an affidavit of posting stating that on March 14, 2000, he placed zoning posters on the front of the property in plain view of the public.

EXH. NO. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16564
EXHIBIT NO.24

On April 5, 2000, the Board held a public hearing on the application. The board heard testimony from Mr. Laurent Lafleur, the proposed builder of the project. The applicant authorized Mr. Laurent to represent him. There were no reports from the Office of Planning (OP) or any other government agency. ANC –3G submitted a report in support of the project. Five residents of the projects neighborhood submitted a written testimony in support of the project. No persons or parties submitted or testified in opposition to the project.

FINDINGS OF FACT

1. The premise that is the subject of this application is 6683 32nd Place (Square 2351, Lot 16) N.W. It is in an R-1-A zone District.

2. The applicant is seeking a variance from 11 DCMR 3103.2 for an addition to be made to a single-family dwelling under Section 404.1 and 404.4 for relief from rear yard set back requirements to add an addition to a structure in R-1 zone district.

3. Under Subsection 404.1, a rear yard with a minimum dept of 25 feet must be provided for each structure in structure in R-1 zone directed.

4. Under Subsection 404. 4, an extension or additional an extension or addition may be made to a building existing on or before May 12, 1958, provided, that the extension and addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

5. Mr. Rickert, the applicant resides at the subject property. He intends to use the addition to reconfigure and increase the living room space of the house to 17 feet by 20 feet.

6. Mr. Lafluer stated that extending the house in any other direction would create a long living room with a lot of unusable space.

7. The Board finds that the subject lot is not unique. Similar single-family dwellings surround it. The adjacent lots are similar in size, with similarly placed buildings.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking an area variance to enlarge the existing dwelling by constructing an addition to the rear of the building.

Granting such variances 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 Zoning Regulations and Map.

The Board concludes that the applicant has not met the burden of proof pursuant to Subsections 404.4 and 404.1.
The Board concludes that a practical difficulty does not exist at the site; that this proposal would impair the intent, purpose and integrity of the Zoning Regulations and Map; and that it would cause adverse impacts on the neighborhood. Accordingly, it is hereby **ORDERED** that the application be **DENIED**.

VOTE: 3-0 (Carol J. Mitten, Sockwell and Sheila Cross Reid, to deny.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 31 2000

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."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16564

As Director of the Office of Zoning, I hereby certify and attest that on MAY 31 2000 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Anne M. Renshaw, Chairperson
Advisory Neighborhood Commission 3G
Regency House
P. O. Box 6252
Washington, D. C. 20015

Jonathan B. Rickert
6683 32nd Place, N.W.
Washington, D. C. 20015-2311

Michael Johnson, Zoning Administrator
Department of Consumer & regulatory Affairs
941 North Capitol Street, N.E. Washington, D. C. 20002

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

VCE/16564