GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

Application No. 14288, of Robert and Marion Kraskin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) to construct an addition to a single family dwelling in an R-1-B District at premises 4601 Tilden Street, N.W., (Square 1557, Lot 37).

HEARING DATE: May 15, 1985
DECISION DATE: May 15, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the the northwest corner of the intersection of Tilden Street and Massachusetts Avenue at Wesley Circle and is known as premises 4601 Tilden Street, N.W. The site is zoned R-1-B.

2. The original lot consisted of two pie-shaped pieces of land that were combined into one lot. The site has 84.51 feet of frontage on Massachusetts Avenue, 130.60 feet of frontage on Tilden Street and 17.0 feet of frontage on Wesley Circle. The composite site is a quadrilateral of four unequal sides.

3. A number of lots in the immediate area are rectangular in shape.

4. The land slopes from front to rear. To the rear of the site is a twenty foot wide public alley.

5. The site is improved with a single family detached dwelling. Within the structure is the office of an optician, the profession of the applicant Robert Kraskin. The applicants occupy the dwelling.

6. The applicant's son also resides on the premises. He has joined his father's practice.

7. The existing dwelling occupies 2,908 square feet of the lot. The applicants propose the construction of an addition which would occupy 1,085.5 square feet. The total lot occupancy of the existing dwelling and addition will be 3,993.5 square feet, which exceeds the forty percent lot occupancy allowed in the R-1-B District by 929.1 square feet. The applicants seek a variance from the lot occupancy requirements of 30.32 percent.

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8. The proposed construction is an addition to the present residence. The addition will expand the present living area and provide a modified style "in-law suite." for the applicant's son. The number of household units will remain one.

9. The addition is not a separate dwelling unit.

10. The proposed addition is to the residence. It is not an expansion of the office use. There is no direct access from the addition to the doctor's office.

11. The proposed addition will be of conventional residential construction type, utilizing typical concrete spread footings with masonry foundation. The superstructure will match that of the present structure and consist of masonry/stud veneer and stud and siding with wood joist and rafters. An overgrowth of bamboo and other greenery will be maintained and will act as a buffer from the neighboring properties.

12. The proposed addition will still maintain side yards of more than eight to ten feet and a rear yard of more than twenty-five feet.

13. The structure was constructed approximately twenty-five years ago. At the time, it occupied less than the forty percent lot occupancy permitted.

14. Different styles and concepts of design for an addition were viewed, as was the idea of raising the present roof and adding an additional level. These ideas were rejected for many reasons ranging from aesthetics to overall cost. The resulting design meets all of the needs of the applicants, indicating space, aesthetics, continuity and cost.

15. Advisory Neighborhood Commission 3D filed no report on the application.

16. The applicants contacted all property owners in the area closest to the site and did not find any opposition to the proposed addition.

17. Five neighbors living nearest the site signed a petition stating that they had reviewed the plans and they did not oppose this application.

18. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking area variance, the granting of which 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 and purpose of the zone plan. The Board concludes that the applicants have met their burden of proof. The practical difficulty is inherent in the land because of its physical conditions as to shape and size.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Maybelle T. Bennett, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: -6 AUG 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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