BRIEF STATEMENT OF EXISTING AND PROPOSEDD USE
1824 24th STREET, N.W.
LOT 45 IN SQUARE 2506
BOARD OF ZONING ADJUSTMENT CASE NUMBER 17241

BACK GROUND

The existing subject property is zoned R-1-B residential. The single family dwelling was built prior to May 12, 1958 and it predates the D.C. Zoning Regulation effective date. Included in my submission is a copy of a wall test which was obtained from the D.C. Office of the Surveyor with a date of July 6, 1942. The survey indicates that the existing structure was built as a semi-detached single family dwelling.

The existing structure has no side yard setback on the north wall and an existing side yard setback of 7.89 feet. The side yard setback on the south wall is 0 feet (face on line). The side yard setback required for new construction is 8.0 feet. The south lot line is shared by another semi detached dwelling located on lot number 36. The existing dwelling is face on line with the east wall. The rear yard setback measures more than the 25.0 foot minimum that is required. The existing percentage of lot occupancy is 53.32 percent. The maximum allowed lot occupancy for a single family dwelling under the current provisions is 40.0 percent. The lot size is 4,195.0 square feet.

The maximum allowed height allowed by the D.C. Zoning Regulations is three stories and forty feet. The existing structure has four stories and 44.42 feet. A two car garage is located in the rear yard. The dwelling fronts on 24th Street, N.W. and the rear of the lot faces a 20 foot wide alley.

PROPOSED USE OF PROPERTY

The property owners proposes a small one story addition to the rear of the existing on the south west side of the dwelling. The addition is to be used as a study with storage. The addition will be 20.75 feet long and 16.9 feet wide (350.68 square feet) and will be a fourth story addition. The owner also proposes a 5.44 feet by 13.6 foot deck with a stone surface on top of the third story at the rear of the existing house.

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VARIANCE RELIEF REQUIRED FOR PROPOSED ADITION

The proposed addition will require the following relief from the Board of Zoning Adjustment:

(1) Variance from Section 2001.3 to allow an addition to an existing nonconforming structure in the R-1-B residential (3103.2).

(2) Variance from Section 400.1 the maximum allowed number of stories And the maximum allowed height provisions for a proposed addition for a dwelling in the R-1-B residential zone (3103.2)

(3) Variance from Section 405.9 the minimum Section 405.9 the minimum side yard provisions for an addition to an existing dwelling in the R-1-B zone (Section 3103.2).

LEGAL TEST FOR A VARIANCE

The applicant seeks three area variances in order to construct a small addition to an Existing single family dwelling. The provision which allows the Board of Zoning Adjustment to approve area variances is set forth by the **D.C. Court of Appeals, Palmer V the Board of Zoning Adjustment, 287 A.2d 535, 541 (D.C. 1972).** Variances may be granted when the following conditions exist:

(A) The property is unique because of its size, shape, topography, and other extraordinary or exceptional situation or condition;

(B) The owner would encounter exceptional practical difficulties as a result of the strict application of the D.C. Regulations to its particular property; and

© The variances would not cause substantial detriment to the public good and would not impair the intent, purpose and integrity of the Zone Plan. **Carlinger V the Board of Zoning Adjustment, 412 A.2d 52 53 (D.C. 1980); Capitol Hill Restoration Society; Inc. V District of Columbia Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987)**.

PRACTICAL DIFFICULTIES AND UNIQUENESS

The existing single family semi-detached structure is located in the R-1-B residential zone. Under the existing D.C. Zoning Regulations, Section 201.1, the Use Provision, a one-family detached dwelling is permitted as a matter of right. A semi-detached dwelling is first permitted as a matter of right in the R-2 zone under subsection 300.3 of the D.C. Zoning Regulations. In order to add to the existing as proposed would require an eight foot side yard setback on the south lot line where the existing structure is face on line and is adjacent to a semidetached structure on lot 36. The existing property is unique as are the adjacent properties in that they are built as semi detached dwellings in what now is a detached dwelling zone. The property is also unique in that it has a side yard set back which exceeds the minimum 25.0 foot requirement. In addition there is a detached accessory two-car garage located in the rear yard. The existing percentage of lot occupancy exceeds the maximum 40% allowed. The lot occupancy also exceeds the 50 percent maximum which would have allowed under subsection 223 a request for a special exception. The property is also unique with respects to height and the number of stories.

The property owner proposes a small addition of 350.675 square feet at the rear (west side) of the existing structure along the south property line. The date of records obtained from the D.C. Office of the Surveyor indicates a date of July 6, 1942 is unique as it documents that the property was built as a semi-detached dwelling which would cause practical difficulties for a proposed addition. The proposed addition cannot be built without Board of Zoning Adjustment approval. The property is unique with regards to the existing lot occupancy (53.3 percent), lot size (4,195.0 square feet), height and number of stories. The date of construction makes the existing structure unique in both the architecture, size and mass. The same architectural characteristics are shared by adjacent properties. The fourth floor to the rear of the structure is the best location for a study and will be within the existing percentage of lot occupancy of 53.32 percent. The owner does not want to build outside of the existing footprint of the dwelling.

DETRIMENT TO PUBLIC GOOD

The proposed addition would effect the most immediate on the south property line (lot 36). The addition will not be detrimental to the public good and would not impair the intent, purpose and integrity of the Zone Plan for the District of Columbia. The property is used as a single family dwelling and will continue to be used as a single family dwelling.

SUMMARY

The existing use of a single family dwelling is permitted as a matter of right. The type of existing structure (semi detached) is not permitted as a matter of right. The R-1-B zone allows as a matter of right a detached single family dwelling. A survey attached for Lot 45 in Square 2560 dated July 6, 1942 is attached to this Brief Statement of Existing and proposed use. The existing structure is nonconforming. In order to make a small addition will require Board of Zoning Adjustment approval, therefore, I am submitting information required for a public hearing

Respectfully,

Gladys Hicks
Zoning Consultant