

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 9, 1972

Application No. 11061 Dr. Vsevolod Blinoff, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried in the absence of Mr. Hatton, the following Order of the Board was entered at the meeting of February 15, 1972.

ORDERED:

That the application for a variance from the side yard and lot occupancy requirements of the R-1-B District to permit first and second floor additions to dwelling at 2409 Wyoming Avenue, N.W., lot 14, Square 2503 be DENIED.

FINDINGS OF FACT:

1. Subject property is located in an R-1-B District. It is a two-story, plus attic, brick house constructed in 1925.
2. Appellant seeks a variance from the side yard and lot occupancy requirements of the R-1-B District to permit a first and second story addition to the single family residence. The proposed plan would extend the building to the rear west wing. The bedroom above the western rear wing would be extended to the same extent as the first floor wing. The additional coverage for lot occupancy is located between the two existing wings.
3. Lots within R-1-B zones are required to provide a minimum width of eight feet for each side yard. (Section 3305.1) The percentage of lot occupancy is limited to 60% (Section 3303.1).
4. If applicant's variance were permitted, his addition would approach within two feet of the abutting property line.
5. The extraordinary and exceptional circumstances asserted by applicant include:
  - (a) Practical difficulty to locate proposed addition elsewhere on the property
  - (b) Changes in conditions over the years -- the addition is needed to make the house livable under the standards we have today

(c) To eliminate an enclosed court yard to reduce the possibility of burglars enjoying privacy while gaining entrance to the main house

6. The record reflected opposition both at the hearing by witnesses and in letters submitted to the file.

7. The general consensus of the opposition centered around the potential over-all detrimental effects to the adjoining properties and neighborhood by encroaching on the spacial garden-like character of the surrounding houses.

OPINION:

This request concerns applicant's desire to secure a variance from the side yard and lot occupancy requirements of the D. C. Zoning Regulations for the R-1-B District. The subject property is a single family, two-story plus attic brick structure.

The proposed plan calls for the construction of a first and second floor addition to the rear of the dwelling. This would entail extending the existing sun porch on the wing on the first floor and the bedroom above the west wing on the second floor. The additional lot occupancy would be located between the two existing wings on the rear of the building.

Applicant has filed this application pursuant to Section 8207.11 of the Zoning Regulations which places the onus on the applicant to demonstrate to the Board's satisfaction that without this variance he would suffer an exceptional and undue hardship. Applicant has asserted security, change of conditions over the years, and the need for additional plumbing and space as a justifiable basis for hardship.

Opposition was voiced both at the hearing and through written correspondence submitted to the file by interested persons in the neighborhood. In essence, the opposition offered disapproval of the congested look of the proposed plan and the direct interference with the overall enjoyment of adjoining property. The additional lot occupancy would directly impair the environmental enjoyment of the abutting property of the Austrian Embassy by approaching as close as two feet of its property. Thus the impact of this proposal on the intimate character of the Embassy's garden and enjoyment of its property has been given primary consideration.

It is the Board's further thought that applicant has not carried his burden of showing the requisite hardship and without such a showing the Board cannot confer a variance.

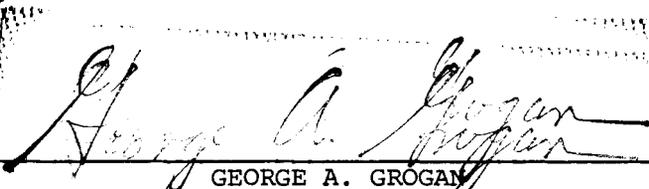
We are of the opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

ATTESTED:

By: \_\_\_\_\_

  
GEORGE A. GROGAN  
Secretary of the Board

December 18, 1972.