

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- July 19, 1972

Application No. 11096 Frederick B. Browne, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of July 25, 1972.

EFFECTIVE DATE OF ORDER -- August 4, 1972

ORDERED:

That the application for variance from the rear yard and Section 7502.2 (over 30% of rear yard occupied) to permit private garage at 5213 - 12th Street, N. E., lot 7, Square 3753 be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-2 District.
2. The property is improved with a two-story, semi-detached single family dwelling.
3. Appellant requests a variance from the rear yard and Section 7502.2 (over 30% of rear yard occupied) to permit private garage.
4. Appellant stated that the proposed structure (garage) would be 23' wide and would be attached to the present dwelling.
5. Appellant stated that he is seeking the requested variance for more security for his wife when she parks the car at night and a denial of the requested variance would result in an undue hardship.
6. At the public hearing there was no opposition to the granting of this application.

OPINION:

The Board considered all of the facts of record and concludes that the statute does not require the owner to make such a stringent showing with respect to area variances as outlined in the District of

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Columbia Court of Appeals No. 5884, Gardner E. Palmer v. the Board of Zoning Adjustment. On the basis of the foregoing, the Board granted the requested variance.

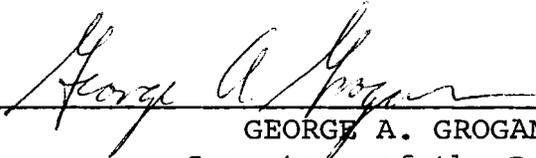
We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can 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

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.