

Before the Board of Zoning Adjustment, D. C.

Application No. 11682 of David and Kim Horgan for variances from the side yard, area and width requirements of the R-1-B District to permit erection of a wood deck addition to an existing single family dwelling at 3101 Northampton Street, N. W., Lot 55, Square 2312.

HEARING DATE: August 21, 1974
EXECUTIVE SESSION: August 27, 1974

FINDINGS OF FACT:

1. The applicant proposes to construct a rear deck addition in concert with repair of a retaining wall, which has been damaged by rain and water.
2. The applicant testified and the Board finds that by reason of the partial collapse of a retaining wall which is located to the rear and to the western side of the dwelling located on the subject property, that a unique topographical feature exists on this land which requires the applicant to reconstruct the subject retaining wall in order to save his property from further damage caused by rain.
3. The Board finds that repair or reconstruction of the retaining wall can be achieved without the construction of the proposed deck.
4. The applicant testified that the deck is necessary in order to remove the danger of his small children falling into the well which would be created by the construction of a retaining wall.
5. The abutting property owner who is located to the east of the subject property on the Nebraska Avenue side testified in opposition to this application on grounds that the proposed deck would restrict the privacy of and cut off light and air to the abutting dwelling because it would come within one foot of neighboring property.
6. The applicant testified that an alternative exists to the proposed deck to solve the problem caused by the deterioration of the retaining wall. The applicant testified that the retaining wall could be rebuilt and the rear of his yard could be filled to support the retaining wall.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the applicant has not demonstrated the existence of a practical difficulty within the meaning of Section 8207.11 of the Zoning Regulations because the applicant is able to solve the problem he complains of without the necessity of three variances from strict application of the Zoning Regulations. After weighing the facts presented by the opposing party, an abutting property who would be directly affected by the construction of the proposed sun deck, the Board concludes that the granting of this requested relief would adversely affect neighboring property and impair the meaning and intent of the Zoning Regulations.

ORDERED:

That the above application be DENIED.

VOTE:

4-0 (Lilla Burt Cummings, Esq. abstaining) to Grant the above application.

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

ATTESTED BY:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER: **OCT 15 1974**