

Before the Board of Zoning Adjustment, D. C.

Application No. 11843 of Edward C. & Lois Berkowitz, pursuant to Section 8207.1 of the Zoning Regulations for a variance from the side yard requirements of the R-1-B zone as provided by Section 3305.1 of the regulations to permit the construction of a new addition at the premise of 3339 Legation Street, N. W., Lot 66, Square 1992

HEARING DATE: February 19, 1975

DECISION DATE: From the bench, February 19, 1975

FINDINGS OF FACT:

1. The applicant requests permission to construct a rear addition to existing single family dwelling, for the purpose of additional living space.

2. The proposed addition would extend approximately 10' feet into the existing rear yard.

3. The proposed addition will not extend beyond the existing 5' feet side yard of the single-family dwelling located on the subject property.

4. The applicant testified at public hearing that the existing dwelling which provides a 5' foot side yard was constructed in compliance with the Zoning Regulations before the 1958 regulations, were promulgated. The Zoning Regulations now require 8 foot side yard in the R-1-B zone.

5. This application for relief from strict application of the Zoning Regulations was uncontested at public hearing.

CONCLUSIONS OF LAW AND OPINION

Based upon the above Findings of Fact, and the record, the Board concludes that the applicant has demonstrated the existence of a practical difficulty within the meaning of Section 8207.11 of the Regulations. The Board is further of the opinion that strict application of these Regulations would deny the applicant a beneficial use of his property, when the proposed use would not have an adverse affect on nearby or adjoining property and the granting of the relief requested would not substantially impair the meaning and intent of the Zoning Regulations.

ORDERED: That the above application be and is hereby GRANTED.

VOTE: 5-0

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

ATTESTED BY: James E. Miller  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: FEB 20 1975

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.