

Before the Board of Zoning Adjustment, D. C.

Application No. 11886 of Mack J. Edwards, pursuant to Section 8207.1 of the Zoning Regulations for a variance from the rear yard requirements (5303.1) of the C-2-A Zone to permit a one story addition to a structure consisting of a delicatessen and office, as provided by Section 8207.11 of the regulations at the premises 1229 Pennsylvania Avenue, S. E., known as lot 17, in Square S-1019.

HEARING DATE: April 16, 1975

DECISION DATE: April 16, 1975 from the bench

FINDINGS OF FACT:

1. The applicant requests an area variance from the required 15 feet rear yard requirement of the C-2-A Zone to permit a one story addition. The addition requires a variance of 6.86 feet, and if allowed, would result in a rear yard of 8.14 feet by average.

2. The lot in question, No. 17, Square S-1019, is not rectangular, but exists in the shape of a parallelogram. If the proposed addition is permitted, the distance from the structure to the rear lot line on the west side would be 12 feet 6 inches in length and the distance from the structure to the rear lot line on the east side would be 6 feet long.

3. The purpose of the proposed addition is to provide a walk-in freezer for a carry-out use of the premises.

4. The existing building on Lot 17 is rectangular in shape, however, the lot itself is not.

5. The applicant testified and the Board finds, that the District of Columbia Government permitted applicant to construct a 2 feet extension to permit a walk-in freezer, however, work had been started and almost completed, when a survey showed that the extension did not comply with the rear yard requirements and a stop work Order was served upon the applicant.

6. The Capitol Hill Restoration Society, by letter to the record objected to this application on the grounds that applicant had constructed the proposed addition without a permit, however, no one appeared from the society to be

cross examined or was any evidence introduced to corroborate the assertion made by the opposition in their letter.

7. Neither of the property owners who abut the subject property objected to this application.

8. The Board finds that addition proposed does not cut off light and air from the abutting properties.

CONCLUSIONS OF LAW:

Based upon the above findings and the record, the Board is of the opinion, that the applicant is confronted with a practical difficulty in effort to make a beneficial use of his property and that the proposed addition would not adversely affect neighboring or nearby property. The Board concludes that the applicant has satisfied Section 8207.11 of the regulations and that the variance herein will not substantially impair the meaning and intent of the regulations.

ORDERED:

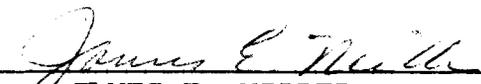
That the above application be and is hereby GRANTED

VOTE:

4-0 (Mr. Harps not voting, not having heard the case)

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

ATTESTED BY:


JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

May 27, 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.