

Before the Board of Zoning Adjustment, D. C.

Application No. 11975, of Edward L. and Jean R. Barbour, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the side yard requirements of Section 3305.1 of the Regulations, in the R-1-B Zone, to allow a one (1) story side yard addition to be erected as provided by Section 8207.11 of the regulations, at the premises 5212 Manning Street, N. W., known as Lot 859, Square 1446.

HEARING DATE: July 22, 1975

DECISION DATE: August 6, 1975

FINDINGS OF FACT:

1. Applicants propose to expand an existing kitchen by erecting a one (1) story addition in the side yard of their single family detached dwelling.

2. The existing kitchen measures eight (8) feet by ten (10) feet and with the appliances installed there is an average clear width of three (3) feet. The lack of space is inconvenient to the applicants and precludes their use of normal kitchen accessories as a trash container and kitchen stool.

3. Applicants have a rear yard measuring approximately forty-three (43) feet which is divided into three (3) terraces. There are approximately fifteen (15) feet of usable rear yard at grade level with the remaining portion having a steep incline.

4. Applicants have a ten (10) feet side yard on the side where the proposed addition is to be located. The addition will reduce said side yard to an average of seven and one-half (7½) feet with a minimum dimension of four (4) feet.

5. The adjoining property owner on the side of the addition maintains an existing brick retaining wall four and one-half (4½) feet inside his property line. Therefore, there would be eight and one-half (8½) feet of distance between the proposed addition and the brick retaining wall, although applicants' legal side yard would be four (4) feet. There would be nineteen feet of distance between the proposed addition and the dwelling of the adjoining property owner.

6. Applicants propose a side yard addition as their preferred expansion alternative which will provide approximately eighty (80) square feet of additional space at a cost of \$9,547. There would be no need to relocate any existing utilities and no interference with access through the rear and side yards would be created. The access to the addition through an exterior wall would be provided by a sixty-two (62) inch opening now occupied by a door and window.

7. Applicants explored the following two (2) less desirable expansion alternatives:

(a) An internal expansion would require applicants to eliminate a first floor bathroom and relocate existing utilities at a cost of \$18,000.

(b) A rear yard addition would require breaking through the twelve (12) inch exterior bearing wall, covering a cellar window which provides light and air, and relocating existing utilities including gas, water, electricity and sanitary sewer. The rear yard expansion would also occupy half of the approximate fifteen (15) feet of usable rear space and would cost \$14,700.

8. There is written support in the record from the abutting property owners based upon favorable improvement to the neighborhood.

9. There is no opposition of record to the application.

CONCLUSION OF LAW:

Based upon the above Findings of Fact and the evidence of record the Board finds that the applicants do not have an extraordinary or exceptional situation of the subject property which will create exceptional practical difficulties upon strict application of the Zoning Regulations. The applicants have testified to two (2) methods of expansion which are available to construct their proposed addition requiring no variances from the regulations and which would have a negligible impact on the neighboring property.

The side yard addition creating a four (4) foot side yard has a greater impact on the adjoining property which is not negated by the existence of a retaining wall providing an effective eight and one-half (8½) foot side yard. The retaining wall can be removed at any time by the present owner of the property or any future owner. The applicants are able to construct their proposed addition by either of the alternative methods and the Board concludes that no exceptional practical difficulties will result from strict application of the Zoning Regulations and relief cannot be granted without substantial detriment to the public good and substantially impairing the intent of the regulations.

ORDER: It is hereby ordered that the above application be DENIED.

VOTE: 5-0

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: 9/25/75