

Before the Board of Zoning Adjustment, D. C.

Application No. 11980, of Alvin Perlman , pursuant to Section 8207.1 of the Zoning Regulations, for variances from the rear yard requirements (Section 3304.1) and side yard requirements (Section 3305.1) in the R-2 Zone, to permit a one (1) story rear addition to a nonconforming structure (Section 7107.22), as provided by Section 8207.11 of the regulations, at the premises 4452 Faraday Place, N. W., known as Lot 183, Square 1582.

HEARING DATE: July 22, 1975

DECISION DATE: August 6, 1975

FINDINGS OF FACT:

1. Applicant proposes to erect a one (1) story addition (breakfast room) to his single family dwelling located in the R-2 Zone, but is unable to meet all of the yard requirements.

2. Applicant can provide only eleven (11) feet of the required twenty (20) feet rear yard as set forth in the Zoning Regulations and a rear yard variance of nine (9) feet is required.

3. Applicant has an existing nonconforming structure with one of the two side yard measuring seven and one-half (7½) feet instead of the required eight (8) feet for side yards pursuant to the Zoning Regulations. The proposed addition will sit no closer to the side lot line than the existing structure and a variance of one-half (.5) foot is required. The second side yard measures eleven and one half (11½) feet.

4. Including the proposed addition the applicant is well within the permitted lot occupancy.

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

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the evidence of record the Board finds that the applicant suffers a practical difficulty from the strict application of the Zoning Regulations. Applicant's proposed addition is well within the maximum permitted lot occupancy but does not meet the rear and side yard requirements. The proposed addition sits no closer to the side lot line than the existing nonconforming structure, so there is no detrimental effect. Applicant cannot locate the addition elsewhere on the property so as to avoid encroaching upon the required rear yard. However, the rear yard will have eleven (11) feet remaining and abuts a public alley so no substantial detriment to adjoining properties will be created. The proposed area variances will result in no change in the density or use of the single family dwelling and there will be no substantial change produced in the character of the neighborhood. The Board finds that the proposed area variances can be granted without substantial detriment to the public good and without substantially impairing the intent of the Zoning Regulations.

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

VOTE: 5-0

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

ATTESTED By: _____

J. E. Miller
JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER: *September 17, 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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.