Before the Board of Zoning Adjustment, D. C.

Application No. 12022 of Abou Bakr S. Hazzah, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the side yard requirement (Sub-section 3305.1 and Paragraph 7107.22) to permit an addition to a dwelling which is a non-conforming structure in the R-1-A District at the premises 2901 - 43rd Street, N.W. (Square 1701, Lot 27).

HEARING DATE: November 19, 1975
DECISION DATE: November 25, 1975
DISPOSITION: Application denied by a vote of 5-0 (Harps, McIntosh, Cummings, Lewis and McCants to deny).

FINAL DATE OF THE ORDER: January 14, 1976

ORDER

Upon consideration of the applicant's Motion for Reconsideration, dated February 2, 1976, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support a motion for reconsideration. It is therefore ordered that the motion for reconsideration be DENIED.

DECISION DATE: February 11, 1976

VOTE: 5-0 (Cummings, Harps, Lewis, McIntosh and McCants to deny).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF THE ORDER: MAR 4 1976

BEFORE THE BOARD OF ZONING ADJUSTMENT, F. C.

Application No. 12022, of Abou Bakr. S. Hazzah, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the side yard requirements of the R-1-A zone to permit an addition to a non-conforming structure (3305.1 & 7107.22) as provided by Section 8207.11 of the regulations at the premises 2901 - 43rd Street, N.W., Lot 27, Square 1701.

HEARING DATE: November 19, 1975
DECISION DATE: November 25, 1975

FINDINGS OF FACT:

1. The subject property is located in the R-1-A zone district, the most restrictive zone in the District of Columbia.

2. The property is improved by a single family dwelling and used for that purpose.

3. The applicant proposes to construct a rear addition to the existing single family dwelling. The proposed addition would reduce the existing side yard by two (2) feet and require a side yard variance of six (6) feet.

4. The existing structure is non-conforming to the side yard requirements on the side of the structure where the addition in question is proposed.

5. Section 7107.22 of the regulations prohibits the enlargement of a non-conforming structure unless the enlargement complies with all yard requirements adjacent to such enlargement or addition.

6. Section 7101.1 of the regulations states that the purpose of article 71 (non-conforming uses and non-conforming structure) is to provide for strict regulation of non-conforming structure.

7. The existing single family detached dwelling consists of a living room, dining room, corridor kitchen and pantry (1st floor) and three (3) bedrooms and two (2) bathrooms.

8. The applicant contends that he needs the proposed addition in order to provide a study and bedroom on the first floor because of a back ailment which severely inhibits his ability to climb stairs. The addition would also provide for a bathroom area on the first and second floors.

9. The applicant further contends that the proposed addition cannot be economically constructed anywhere else on the existing structive where it will serve the purpose he seeks to acheive.

10. The architect for the applicant testified than an addition to the front of the house would be infeasible because it would reduce the amount of light which presently finds its way to the living room.

11. The architect further testified that a rear addition is made impractical, because, if it would be comprable to the addition proposed, an existing backyard tree blocks the amount of buildable space, and besides, a rear-yard variance would be necessary.

12. The applicant testified that he has had a back ailment for the past six (6) years, that he purchased the subject property a little over a year (1) ago from the hearing of this application, and that his debilitating back condition which henders him unable to climb up and down stairs began approximately two (2) to three (3) months prior to the hearing of this application.

13. The applicants architect also testified that the steep topography in the front of the structure in question would make it economically unfeasible to construct additions on that portion of the house.

14. There is no opposition to this application.

15. There are alternatives to constructing the proposed addition in the present non-conforming side yard.

OPINION AND CONCLUSION:

Based upon the above findings of fact, and the Record, the Board is if the opinion that the illness of the applicant is not a fact to be considered in proving the existence of a hardship because it does not relate to an exceptional condition or circumstance relating to the subject property. In addition, the Board is of the opinion that the applicant has shown possible alternatives for an addition other than in the side yard of the subject property which is already deficient.

Accordingly, the Board concludes that the applicant has not carried his burden of proving the existence of a zoning hardship within the meaning of Section 8207.11 of the Zoning Regulations to grant a variance without such proof, would impair the meaning and intent of the Zoning Regulations and Maps.

ORDERED: That the above Application be, DENIED.

VOTE: 5-0

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

ATTESTED BY: Martin Klauber
MARTIN KLAUBER, EXECUTIVE
Secretary to the Board

FINAL DATE OF ORDER: January 14TH 1976