

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 structure where it will serve the purpose he seeks to achieve.

10. The architect for the applicant testified that 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 comparable 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 hinders 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 of 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.

Application No. 12022  
Page No. 3

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 14<sup>TH</sup> 1976