

Before the Board of Zoning Adjustment, D. C.

Application No. 12092 of John and Nancy Cavanaugh, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and paragraph 7107.22) to permit a rear addition to a dwelling which is a non-conforming structure in the R-1-B district at the premises 3225 McKinley Street, N. W. (Square 2022, Lot 8).

HEARING DATE: April 21, 1976

DECISION DATE: April 21, 1976 (from the Bench)

FINDINGS OF FACT:

1. The property is located in an R-1-B District.
2. The property is presently improved with a detached single-family dwelling. The lot slopes in such a manner that the south side of the dwelling, facing the street, is two stories out of grade, while the north side of the dwelling, facing the rear, is three stories out of grade.
3. The applicant proposes to construct a rear addition in the form of an open deck. The deck would be twelve feet wide and extend ten feet toward the rear of the lot from the existing structure. The level of the deck would be at the same level as the first floor joists, but would be one story out of grade.
4. The existing structure has a non-conforming side yard on the east side of 5 feet. The Zoning Regulations require a side yard of 8 feet.
5. The proposed deck would also have a side yard of 5 feet, requiring a variance of 3 feet. The east side of the proposed deck will be on the same line as the east side of the existing structure.
6. If the deck were located 8 feet from the property line, the support posts would be in the driveway which serves the garage located in the structure.
7. There was no opposition to the application.

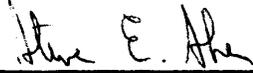
CONCLUSION OF LAW AND OPINION

The Board concludes that the requested variance is an area variance, the granting of which requires the slowing of a practical difficulty. The Board concludes that the shape of the lot and the placement of the supports for the deck relative to the location of the driveway do create such a difficulty. The Board further concludes that the degree of non-conformity will not be increased by the proposed addition. The Board concludes that there will be no adverse impact on surrounding or neighboring property. It is therefore ordered that the application be GRANTED.

VOTE: 4-0 (Leonard L. McCants, Ruby B. McZier, William S. Harps and William S. McIntosh to grant, Lilla Burt Cummings, Esq. not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Secretary to the Board

FINAL DATE OF THE ORDER: APR 30 1976

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.