

Before the Board of Zoning Adjustment, D. C.

Application No. 12135, of Michael and Susan Friedman, pursuant to Sub-section 8207.1 of the Zoning Regulations, for variances from the side yard (Sub-section 3305.1) and rear yard (Sub-section 3304.1) requirements to permit a rear addition to a dwelling in the R-1-B District at the premises 5349 MacArthur Boulevard, N. W. (Square 1440, Lot 43).

HEARING DATE: May 19, 1976

DECISION DATE: May 25, 1976

FINDINGS OF FACT:

1. The subject property is located in the R-1-B District as a non-conforming structure.

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

The applicant proposes to construct a rear addition to the existing single-family dwelling. The proposed addition would require a side yard variance of 4.5 feet.

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

5. The existing single-family detached dwelling consists of four (4) bedrooms. Applicant testified that his family only occupies three (3) of the four (4) bedrooms. (he and wife sharing master bedroom and each of his two children occupying one room).

6. The applicant contends that he needs the proposed addition in order to provide a larger bedroom for his four (4) year old son who presently occupies an 8'x10' room which is too small.

7. The subject non-conforming structure was previously granted a variance under Section 7107 of the Zoning Regulations to permit a carport and sundeck by Board of Zoning Adjustment

Order No. 9050, dated December 14, 1966.

8. 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.

9. There is opposition to this application.

10. There are alternatives to constructing the structure.

11. The applicant testified that his architect advised this to be most feasible means of an addition to the existing structure, but offered no statements into evidence. Rather, the applicant testified in part that a differently constructed addition permitted by the Regulations would be more costly.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact, the Board is of the opinion that:

1. The applicant showed a personal difficulty rather than the practical difficulty required by Section 8207.11 of the Zoning Regulations.

2. That Section 7107 of the Zoning Regulations does apply to this case and that strict application of the variance clause must prevail where an applicant has not adequately proven his case.

It is further the opinion of the Board that the granting of a variance from the strict application of the Regulations without basis in fact to support such an equitable remedy would violate the meaning, purpose and integrity of the Zoning Map and Plan.

Accordingly, it is hereby ordered that the above application be DENIED.

VOTE: 3-2 (Lilla Burt Cummings, Esq., William S. Harps, Theodore F. Mariani, to deny, Leonard L. McCants and William F. McIntosh to grant).

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

ATTESTED BY: 
ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: June 29, 1976