

Before the Board of Zoning Adjustment, D. C.

Application No. 12163, of Charles and Jeanette Lanier, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the side yard (Sub-section 3105.1 and paragraph 7107.22), open court (Sub-section 3306.1) requirements to permit a rear addition to a dwelling which is a non-conforming structure in the R-2 District at the premises 5618 Eastern Avenue, N E., (Square 3744, Lot 96).

HEARING DATE: June 16, 1976

DECISION DATE: June 16, 1976

FINDINGS OF FACT:

1. The property is located in an R-2 District.
2. The property is presently improved with a 3 story semi-detached single family dwelling.
3. Construction of an addition to the dwelling has begun.
4. The applicant had prior approval of the Zoning Administrator by virtue of a building permit, to construct an addition faced on line with the previous existing structure. Because of an error on the part of the architect the building has an indentation and is not faced on line. Thus, an open court was created.
5. Because of error, construction was halted and applicant filed for required variances. Without requested variances, applicant would have to tear off three inches from the right side (three stories) and add it to the left side. The applicant has begun construction of a three (3) story rear addition to the existing structure, to contain a laundry and recreation room on the first floor, to increase kitchen and dining space on the second floor, and increase bedroom and closet space on the third floor. The addition would extend 16 feet in width.
6. The existing structure has a 7.17' foot side yard. The uncompleted addition would have a 7.68 foot side yard. A variance of .32' is required.

7. This addition results in an open court. An open court requires a minimum width of 6 feet. The addition leaves a .37' open court. A variance of 5.63 feet is thus required.

8. There was no opposition to the application.

CONCLUSIONS OF LAW & OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that such a practical difficulty exists. The Board concludes that there would be no adverse neighborhood impact or negative effect on adjoining properties. It is therefore ordered that the application be GRANTED.

VOTE: 3-1-0 (Ruby B. McZier, Leonard L. McCants and William F. McIntosh to grant, Iilla Burt Cummings, Esq., opposed, and Williams S. Harps not present not voting).

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

ATTESTED BY



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER: July 8, 1976

THAT THIS ORDER IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS AN APPLICATION IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A BUILDING AND/OR OCCUPANCY PERMIT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.