

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12274 of Robert E. O'Malley and Barbara B. O'Malley, pursuant to Sub-section 8207.11 of the Zoning Regulations for a variance from the rear yard requirements of the R-1-B District prescribed in Sub-section 3304.1 of the Zoning Regulations, with respect to the premises known as 5031 Garfield Street, N.W., Lot 20, Square 1426.

HEARING DATE        January 19, 1977  
DECISION:DATE:     February 8, 1977

FINDING OF FACT:

1. The lot in question is hilly and heavily wooded, and contains a very deep depression over a substantial portion of the lot area. Generally, the topography of the lot is of a rolling nature.
2. In the northeast corner of the lot, there is a small relatively flat land area within which the structure is proposed to be built. If the structure is required to be built not less than 25 feet from the rear lot line, considerable additional excavation and rock removal will be required at substantial expense, whereas if the structure is constructed on or near the rear lot line, it will not be necessary to destroy a large rock formation and less excavation work and expense would be required.
3. If the structure is required to be built not less than 25 feet from the rear lot line, there will be an adverse environmental impact by reason of the necessity to destroy existing trees and other growth on the lot, whereas such trees and growth would not be disturbed if the structure is located on or near the rear lot line.
4. The portion of the structure that will be situated on or near the rear lot line consists of outdoor wood steps and a landing with railing situated on approximately 14 feet of ground area. Thus the structure itself will not be situated on the rear lot line and there will be approximately 14 feet of relatively open air space between the exterior wall of the structure itself and the rear lot line.
5. If the structure is permitted to be built on or near the rear lot line, it will not be unreasonably or unusually close in proximity to the existing residential structures of the adjoining landowners. If the structure is built on the rear lot line, it will not be nearer than approximately 75 feet to the closest existing residence.
6. The above application is unopposed and each adjoining property owner has consented to the granting thereof in written consents filed with the Board.

CONCLUSIONS OF LAW:

The Board concludes that the applicants have carried the burden of proving the existence of practical difficulties and hardships sufficient to warrant the granting of the variance requested herein, and the Board therefore concludes that the granting of this variance will not impair the meaning and intent of the Zoning Regulations or be detrimental to the public good.

Accordingly, it is hereby ORDERED: That the above application be GRANTED.

VOTE: 3-1 (Richard L. Stanton, William F. McIntosh and Leonard L. McCants, Esq.) Lilla Burt Cummings, Esq., to DENIED.

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

ATTESTED BY: Arthur B. Hatton  
ARTHUR B. HATTON  
Executive Secretary

FINAL DATE OF ORDER: 3-2-77

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.