

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12404, of Mr. and Mrs. Austin P. Gattis, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to permit an addition to a dwelling which is a non-conforming structure in the R-2 District at the premises 5225 Chevy Chase Parkway, N.W. (Square 1989, Lot 131).

HEARING DATE: April 26, 1977  
DECISION DATE: June 7, 1977

FINDINGS OF FACT:

1. The subject property is located on the south side of Chevy Chase Parkway, N.W., between Connecticut Avenue and Ingomar Place, N.W.
2. The applicant requested a waiver Section 3.33 of the Supplemental Rules of Practice and Procedure, which requires the applicant to file with the secretary of the Board not less than five days prior to the public hearing, a sworn affidavit demonstrating compliance with the rule requiring that a notice be posted on the property giving notice of the hearing at least ten (10) days in advance of the hearing. The applicant presented the required affidavit to the Board at the public hearing. The Board granted the waiver.
3. The applicant proposes an addition, extending forward, to an existing side porch which is a non-conforming structure.
4. The existing non-conforming side porch is two feet, nine and a half inches from the side property line.
5. The proposed addition would also be two feet, nine and a half inches from the lot line, requiring a variance of five feet, two and a half inches from the eight foot side yard requirements in the R-2 zone.

6. The applicant proposes to reconstruct and extend the existing side porch four feet towards the front of the house while continuing the existing width of the side yard.

7. The property owner to the side of the proposed addition and neighboring property owners supported the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance, is an area variance requiring a showing of practical difficulty. The Board concludes that there has been no such showing, that the applicant can make reasonable use of the existing porch and that requiring strict compliance with the side yard requirements would not create a practical difficulty upon the owners of the property. The Board concludes that the granting of the requested area variance would not be consistent with the intent and purposes of the Zoning Regulations of the District of Columbia, since the requested variance amounts to approximately 65 per cent. It is therefore ORDERED that the application be DENIED.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants).

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

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 AUG 1977