

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12792, of Levornic Best, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a detached dwelling in the R-1-B District at the premises 3906 - 17th Place, N.E. (Square 4155, Lot 20).

HEARING DATE: November 15, 1978  
DECISION DATE: January 10, 1979

DISPOSITION: Application GRANTED by a vote of 4-0 (Charles R. Norris, William F. McIntosh, Leonard L. McCants to GRANT, Walter B. Lewis to GRANT by PROXY; Chloethiel Woodard Smith not voting, not having heard the case).

FINAL DATE OF ORDER: February 26, 1979

ORDER

By letter dated May 23, 1979, the agent for the applicant requested permission from the Board to modify the site plan marked as Exhibit No. 20 of the record. The letter states that due to an oversight, the location of the building relative to the street creates a driveway access problem. The applicant is therefore requesting that the Board allow the proposed building to be set-back 16.67 feet from the street line, rather than ten feet as originally proposed. This would result in a twenty-five foot rear yard. As originally proposed, the rear yard was to be 35.85 feet. The rear yard would be in full compliance with the Zoning Regulations. The dimension of the proposed side yards remain unchanged; the south side yard is still eight feet and south side yard is still five feet.

The Board finds that the applicant's request does not change the requested variance, that the building as proposed will remain the same except that it will have a greater front setback and a smaller rear yard, and that all the material facts which the Board relied upon to grant the application are still relevant.

It is therefore ORDERED that the revised plans marked as Exhibit No. 19 of the record are APPROVED.

Application No. 12792  
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DECISION DATE: June 6, 1979

VOTE: 4-0 (Chloethiel Woodard Smith, William F. McIntosh, Charles R. Norris and Leonard L. McCants to APPROVE MODIFICATIONS OF PLANS).

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

14 AUG 1979

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA Application No. 12792 of Levornic Best, pursuant to Paragraph 8207.11 of the Zoning Regulations for a variance from the side yard requirements (Sub-section 3305.1) to construct a detached dwelling in the R-1-B District at the premises 3906 - 17th Place, N. E., (Square 4155, Lot 20).

HEARING DATE: November 15, 1979

DECISION DATE: January 10, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of 17th Place in an R-1-B zone District at 3906 - 17th Place, N. E.
2. The subject site, 4,800 square feet in area, is presently vacant and is enclosed by a four foot chain link fence.
3. The applicant proposes the construction of a single family detached dwelling on the site.
4. The subject lot, sixty feet by eighty feet, is adjoined on both sides by two-story detached brick dwellings, one of which is owned and occupied by the applicant.
5. The applicant, at the time of public hearing, amended the application to include relief from Sub-section 3301.1 to allow construction of a dwelling in an R-1-B zone District on a lot less than 5,000 square feet in area.
6. The applicant is providing a 35.85 foot rear yard, an eight foot side yard on the north side and a five foot side yard on the south side of the structure. A variance of three feet is therefore required.
7. The Municipal Planning Office by report dated November 9, 1978, and by oral testimony at the time of public hearing, recommended approval of the applicant's request for permission to construct a dwelling on a lot less than 5,000 square feet in area but opposed the applicant's request for a side yard variance on the grounds that with a lot sixty feet in width, the applicant should be able to construct a dwelling unit in compliance with the required eight foot side yard.

8. The Board finds that the applicant proposes the use of a house of specific design that does not allow alterations that would provide two eight foot side yards.

9. Upon direction from the Board the applicant scaled down the original plans, decreasing the non-conformity of the south side, and eliminating the need for a variance on the north side.

10. There was no report from Advisory Neighborhood Commission 5-A on this application.

11. There was a letter in support of the application from the owner of property located directly across 17th Place.

12. There was no opposition to the granting of this application.

CONCLUSION OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the applicant's desire to construct a specific kind of dwelling on the lot creates such a difficulty. The Board notes that the lot is essentially a buildable lot, that the house would not be out of character with that area, and that the lot which adjoins the proposed dwelling on the side requiring a variance is also owned by the applicant. The Board also notes the lack of objection to the proposal. These facts lead the Board to conclude that there will be no adverse effect as a result of granting the application. It is therefore ordered that the application be granted in accordance with the revised plans submitted by the applicant and marked as Exhibit 16 of the record.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh and Leonard L. McCants; Walter B. Lewis to grant by proxy; Chloethiel Woodard Smith not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 26 FEB 1979

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.