

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12835 of John D. Leshy and Helen M. Sandalls, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) to construct a rear addition to a single family dwelling which is a non-conforming structure in an R-1-B District at the premises 3009 34th Street, N.W., (Square 2098, Lot 11).

HEARING DATE: December 20, 1978

DECISION DATE: December 20, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B Zone District on the east side of 34th Street between Klinge and Woodley Road, known as 3009 34th Street, N.W.

2. The subject property is presently improved with a two story and basement structure used as a single family row dwelling.

3. The applicant proposes the addition of a rear deck approximately eight feet above ground, which will extend about twelve feet from the rear of the main part of the existing structure but not beyond the already existing structures on both sides.

4. The subject lot is approximately 3,527 square feet in area. The lot is approximately thirty-one feet wide, and the rear yard is forty-three feet deep.

5. The existing building and the proposed addition comply with the percentage of lot occupancy requirements for the R-1-B District.

6. The R-1-B zone requires a minimum side yard of eight feet. The applicant proposes to provide no side yard. Thus, a variance of eight feet is required.

7. The structure was built in the mid - 1920's prior to the adoption of the present Zoning Regulations, and is a row dwelling with no side yards provided for the present building.

8. There was support for this application from the abutting property owners on both sides, who already have similar existing decks.

9. There was no report on this application from Advisory Neighborhood Commission - 3C.

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

CONCLUSIONS 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 notes that the house was built prior to the adoption of the Zoning Regulations as a row type structure with no side yard. The Board concludes that the width of the lot and the location of the house on the lot combine to create a practical difficulty as intended by the Zoning Regulations. The Board is further of the opinion that the granting of this application would not create any adverse affect on the use of neighboring or nearby properties. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 3-0 (Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to grant; John G. Parsons and Leonard L. McCants not present, not voting)

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

16 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.