

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12874 of Joseph and Viola Holston, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a rear addition to a single family semi-detached dwelling in an R-2 District at the premises 728 Delafield Street, N.E., (Square 3788, Lot 54).

HEARING DATE: March 13, 1979
DECISION DATE: March 13, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-2 zone District at the premises 728 Delafield Street, N.E.
 2. The subject property is presently improved with a two-story and basement semi-detached brick structure.
 3. The applicant proposes the construction of a one story basement level rear addition.
 4. Plans for the proposed addition, which were in error, were approved by the Department of Housing and Community Development, Zoning Review Branch on September 15, 1978. The proposed addition is partially constructed, and presently has standing brick walls on the three open sides.
 5. The R-2 zone District requires a rear yard of twenty feet. The plans submitted to the Department of Housing and Community Development erroneously showed a 20.5 foot rear yard. With the construction of the proposed addition, a rear yard of 15.50 feet has been provided. Thus, a variance of 4.50 feet is required.
 6. The proposed addition will not obstruct light, air or view of the adjacent structure, as the addition will be at the basement level, where there are presently no windows in either structure.
 7. The proposed addition will be used as a utility/storage room. The addition will be of brick to match the present structure.
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8. There was no report from Advisory Neighborhood Commission 5A on this application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board is of the opinion 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 has made the required showing. The Board is of the opinion that to require the applicant to tear down the rear addition would create such a practical difficulty. The Board notes that there was no intent to deliberately evade the Zoning Regulations and that the plans were incorrectly drawn by inadvertance. The Board notes, however, that it is reluctant to grant such cases where the error is the fault of the applicant, and cautions the contractor for the applicant that it should be more careful in the future to avoid such a situation again.

The rear addition does not obstruct the light, air or ventilation of any adjoining property. The Board further concludes that the requested variance can be granted without substantial detriment to the public good, nor would it substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that the above application is hereby GRANTED.

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

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

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 APR 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.