

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12881 of Benjamin P. Fishburne, III and Mary H. Fishburne, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) and the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for a rear addition to a dwelling which is a non-conforming structure in an R-1-B District at the premises 3807 Gramercy Street, N.W., (Square 1851, Lots 807 and 808).

HEARING DATE: March 14, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-1-B Zone District at the premises 3807 Gramercy Street, N.W.

2. The property is presently improved with a two story and basement brick detached structure.

3. The applicant proposes the erection of a one story rear addition. The proposed addition will be used as a breakfast room/family room, and expansion space for the kitchen.

4. Pursuant to Sub-section 3304.1 of the Zoning Regulations, a twenty-five foot minimum rear yard is required. The applicant proposes a 19.10 foot rear yard. Thus a variance of 5.90 feet or twenty four per cent is required.

5. Pursuant to Sub-section 3305.1 of the Zoning Regulations, a minimum width of eight feet for each side yard is required. The applicant proposes a 5.00 foot side yard. Thus a variance of 3.00 feet or thirty eight per cent is required. The existing house has a side yard of only 4.9 feet.

6. The location of the addition was established to take advantage of the existing rear wall of a two car garage. The garage will be demolished, but the foundation wall will be retained and will serve as the rear foundation wall of the addition

7. The location of the addition cannot be moved to the east to create a largerside yard because of existing basement steps as well as an existing triple window in the living room.

8. Advisory Neighborhood Commission 3E by report dated March 12, 1979, offered no objections to the granting of this application.

9. There was a letter of support from the abutting property owners.

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

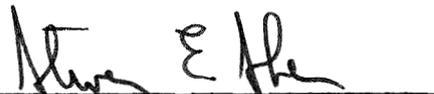
CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that given the location of the existing structure, the basement steps, the existing windows in the living room and the garage wall, the applicant has made the required showing. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 5-0 (Walter B. Lewis, Chloethiel Woodard Smith, Leonard L. McCants, William F. McIntosh and Charles R. Norris to grant)

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

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

10 APR 1979

Application No. 12881

Page 3

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.