

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12891 of Delano and Gayle Lewis, 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 an addition to a single family dwelling which is a non-conforming structure in the R-1-B District at 3236 McKinley Street, N.W., (Square 2023, Lot 18).

HEARING DATE: March 14, 1979

DECISION DATE: March 14, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the south side of McKinley Street, N.W., between 32nd and 33rd Streets, and is known as 3236 McKinley Street, N.W.
2. The subject property is 5200 square feet in area, is forty feet wide and 130 feet deep, and is improved with a single family detached dwelling, which was constructed in 1915, prior to the adoption of the present Regulations.
3. The applicant proposes to construct a family room at the rear of the existing dwelling which will have a total area of approximately 656 square feet. The east and west walls of the addition will be aligned with the east and west walls of the existing structure.
4. The existing building with the proposed addition will comply with the percentage of lot occupancy requirements for the R-1-B District. The building including the addition will also have a rear yard of 51 feet, far in excess of the minimum required.
5. The R-1-B District normally requires a minimum side yard of eight feet. The existing dwelling has a side yard of 4.15 feet on its west side. The applicant proposes to continue that side yard for the addition, thus requiring a variance of 3.85 feet on the west side yard.

6. The existing building has a side yard of 6.95 feet on its east side. The proposed addition will also have a 6.95 foot side yard on the east. Sub-section 3305.9 provides that "In the case of a building existing on or before May 12, 1958 with a side yard less than eight feet wide, an extension or addition may be made to such a building provided that the width of the existing side yard is not decreased and further provided that the width of the existing side yard is a minimum of five feet." The Board finds that no variance is thus required for the east side of the addition.

7. The Office of Planning and Development, by report dated March 8, 1979, recommended that the application be approved on the grounds that the proposed addition will not adversely affect adjoining properties, and will be within the intent and purposes of the Zoning Regulations. The Board so finds.

8. There was a letter in the record from the abutting property owner on the west side, where the variance is requested, stating that the owner had no objection to the application.

9. Advisory Neighborhood Commission 3G filed no report on this application.

10. There was no opposition either on file or at the public hearing to the application.

CONCLUSIONS OF LAW AND OPINION:

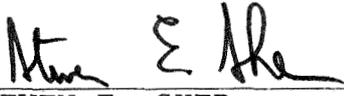
Based on the above Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the width of the lot and the existence of the subject dwelling, which was constructed in 1915 prior to the adoption of the current zoning regulations, create such a practical difficulty. The Board is of the opinion that the minimal deviation from the Zoning Regulations will not interfere with light and air of adjacent properties and that approval of this application will provide relief from the strict application of the Regulations so as to allow the requested extension within the residential zone. The granting of this area variance will not impair the intent, purpose and integrity of the Zoning Regulations and Maps. Accordingly, it is ORDERED that this application is hereby GRANTED.

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

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

27 MAR 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.