

7. The Zoning Administrator advised the Board that projections into public space are controlled by the Building Code not by the Zoning Regulations. The applicant, if the Board grants the variance, must then proceed to obtain approval from the Building Department as to the projection into public space before a permit can be issued.

8. The Zoning Regulations require that the width of an open court for a single family dwelling in an R-4 zone be not less than six feet. An open court having a width of only two feet is being provided. A variance of four feet is thus required.

9. Advisory Neighborhood Commission - 6B, in a letter dated April 10, 1979, stated that due to the unexpected cancellation of the April meeting, the Commission was unable to vote any action on the case.

10. There was no opposition to the application at the hearing.

CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the applicants are requesting two area variances, the granting of which requires a showing of a practical difficulty in the property itself. The Board concludes that the practical difficulty is inherent in the property because of its shallowness and its irregular shape. The Board also notes that the lot occupancy is not being increased in the proposed addition.

The Board further concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the approval of the Building Department of the projection into the public space.

VOTE: 4-0 (Theodore F. Mariani, Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh to GRANT, Leonard L. McCants not present, not voting).

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

Application No. 12906
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ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 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 THE ORDER.