

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 12928, of Mary L. Buckley, 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 side addition to a dwelling which is a non-conforming structure in an R-2 District at the premises 3611 Idaho Avenue, N. W., (Square 1957, Lot 103).

HEARING DATE: May 16, 1979

DECISION DATE May 16, 1979 (Bench Decision)

FINDINGS OF FACT:

1. At the public hearing the application was first brought up as a preliminary matter because the affidavit of posting reflected that the property was posted on May 10, 1979, six days prior to the public hearing instead of the required ten days. At the hearing, the applicant testified that the posting was actually done on May 6, 1979. The date on the affidavit was corrected to read May 6, 1979 as the correct date of posting, and was thus found to be in accordance with the Supplemental Rules of Practice and Procedure.

2. The subject property is situated on the east side of Idaho Avenue between Quebec Street and Porter Street, N. W. It is in an R-2 District and is known as 3611 Idaho Avenue, N. W.

3. The lot has an area of 4,800 square feet and is improved with a two story detached dwelling. There are three bedrooms on the second floor. The house was constructed in 1905 and is a non-conforming structure.

4. The applicant requests relief from the side yard requirements to construct a side addition to the subject dwelling. The applicant proposes to enclose an existing open porch on the north side of the dwelling and further extend the addition approximately two feet to the rear and three feet in front of the existing porch.

5. The applicant is required to have a side yard of eight feet. The existing side yard on the north side is three feet.

With the extensions to the porch as proposed by the applicant, there will continue to be only three feet of side yard. A variance of five feet is thus required.

6. The addition will provide a bathroom and a large bedroom and sitting area.

7. The proposed structure including the addition will not exceed the building height, or percentage of lot occupancy requirements.

8. Advisory Neighborhood Commission 3-C by letter dated May 12, 1979, took no position on the application.

9. There was no opposition.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is requesting an area variance, the granting of which requires the showing of a practical difficulty in the property itself. The Board concludes that the practical difficulty stems from the existing building with the existing three foot side yard, which will not be decreased by the minor extension proposed. The Board notes that the structure has been in existence since 1925 and that the existing porch will be enclosed and that the structure with the addition will be no closer to the lot line than the present building. The Board further notes that there was no opposition.

The Board therefore concludes that the proposed structure will not be of substantial detriment to the neighborhood nor will it substantially impair the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application be GRANTED.

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

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 23 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.