

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12939, of Eugene and Elizabeth Steward, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a bay window side addition to a single family dwelling in an R-3 District at the premises 3316 - 10th Street, N.E. (Square 3830, Lot 25).

HEARING DATE: May 23, 1979

DECISION DATE: May 23, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of 10th Street between Lawrence Street and Kearny Street, N.E. It is in an R-3 District and is known as 3316 - 10th Street, N.E.
2. The subject lot is rectangular in shape and has an area of 5,000 square feet. It is being improved with a single family semi-detached residence.
3. A strip of land, twelve feet wide adjacent to the northern side of the subject lot leads to the house located at 915 Lawrence Street. This strip of paved land is not used by the owner, and is in fact maintained by the residents of adjoining properties.
4. The existing building was approved for construction on October 20, 1978.
5. The applicants propose to construct a bay window side addition of two feet by ten feet.
6. The R-3 District requires a side yard of eight feet. The applicants are providing six feet and therefore need a variance of two feet.
7. The applicants were unaware of the side yard restriction when the house was designed. The applicant were informed of the restriction at the time of issuance of the original building permit.

8. The new addition which is of the original design will esthetically add to the appearance of the subject dwelling, improve the visibility from the street and will break the monotonous brick side wall.

9. Five neighborhood residents have submitted affidavits in support of the application.

10. Advisory Neighborhood Commission - 5A made no recommendation on this application.

11. There was no opposition.

CONCLUSIONS OF LAW:

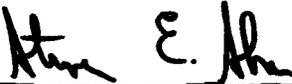
Based on the record, the Board concludes that the applicant's request an area variance, the granting of which requires proof of a practical difficulty inherent in the property. The practical difficulty is in the side yard restriction. The Board notes that the proposed addition is part of the original design. The Board concludes that because there was no opposition and because the new bay window will not be of substantial detriment to the neighborhood and because the window will not substantially impair the intent, purpose and integrity of the Zoning Regulations, the request can be granted.

Accordingly, it is ORDERED that the Application be GRANTED.

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

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

ATTESTED BY:



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."

Application No. 12939
Page 3

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.