

7. As the deck would follow the lines of the existing house, there would be no side yard provided on the south side of the deck, thus requiring an eight foot variance.

8. The rear door from the first floor of the house adjoins the south lot line. If the deck were required to have an eight foot side yard, it would be impossible to get from the rear of the house onto the deck.

9. The applicant testified that the application was discussed with the abutting neighbor to the south, who did not object.

10. Advisory Neighborhood Commission - 3C, by letter dated June 8, 1979, reported that it had voted unanimously to recommend that the Board grant the application, based on the fact that there was an administrative error in originally issuing building permits to the applicant, and that the abutting neighbor did not oppose the application. The Board notes the position of the ANC, and concurs with the sentiment expressed.

11. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record and the findings of fact, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of the property. The Board concludes that the existing non-conforming dwelling, the lack of the existing side yard on the south and the location of the rear door on the first floor combine to create such a practical difficulty for the applicant. The Board concludes that the application would not cause substantial detriment to the public good and would not impair the intent and purposes of the zone plan as embodied in the Zoning Regulations and Maps. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" which it is entitled by statute. It is therefore ORDERED that the application is GRANTED.

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

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

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

FINAL DATE OF ORDER: 14 AUG 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.