

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13422, of Mr. Brady O. Bryson, 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) for a proposed one story addition to a single family dwelling which is a non-conforming structure in an R-1-B District at the premises 3212 Klingle Road, N.W., (Square 2101, Lot 19).

HEARING DATE: February 11, 1981

DECISION DATE: February 11, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Klingle Road between 34th and 32nd Streets, N.W., and is known as 3212 Klingle Road, N.W., It is in an R-1-B District.

2. The subject site is twenty feet wide and 190.5 feet deep. It is improved with a two-story and basement single family row dwelling which was constructed about 1923. The house occupies the entire width of the lot and is attached to the houses on either side.

3. The applicant proposes to construct an addition of one story at the rear of the structure along the common property line between the subject property and the lot to the east known as 3210 Klingle Road., N.W. The addition will be 9.5 feet wide and extend nine feet to the rear. The proposed addition will create a sun room at the rear of the house and provide access to the backyard without going through the kitchen.

4. The applicant has no side yards since the house is a row dwelling. The rear yard is presently 120 feet and will not be reduced by the addition. The rear yards of the surrounding dwellings are of comparable depth.

5. The proposed addition will be extended to the depth of an existing first floor room which occupies the western half of the lot and will be built over an existing basement room.

6. The subject structure, which was built in 1923 as a row house, is not permitted in the R-1-B zone. It is thus a non-conforming structure. Its physical situation between two attached adjoining properties, makes it impossible to provide the required eight foot side yard.

7. There were exhibits entered in the record bearing the signatures of the owners of the abutting properties to the east and the west, expressing no objection and support of the application.

8. There was no opposition to the application.

9. Advisory Neighborhood Commission 3C by letter of February 3, 1981, stated that the ANC had decided to not oppose the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty inherent in the property itself. The structure is a row dwelling built about 1923. It is non-conforming since it is a row dwelling in an R-1-B District which under the current Zoning Regulations permits only detached dwellings. The proposed addition is an addition that will extend to the depth of an existing basement room and an existing first floor room and will not shorten the existing rear yard. The Board concludes that the practical difficulty is inherent in the property. The Board further concludes that the relief 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 be GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Douglas J. Patton and Connie Fortune to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

BZA APPLICATION NO. 13422
Page 3

FINAL DATE OF ORDER: 12 MAR 1981

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 AND APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.