

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14613 of Alfred L. and Amy R. Goldson, (the "Applicants") pursuant to Paragraph 8207.11 (3107.2 DCMR 11) of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1, 405.9 DCMR 11) for a proposed addition to a single family dwelling in an R-1-A District at premises 4015 - 28th Place, N.W., (Square 2238, Lot 9).

HEARING DATE: May 20, 1987

DECISION DATE: May 20, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site known as premises 4015 28th Place, N.W., is located on the east side of 28th Place near its intersection with Tilden Street, N.W. The site is in an R-1-A District.

2. The site comprises 7,500 square feet, is irregularly shaped and improved with a two-story single family detached dwelling. A twenty foot wide "paper alley" is located to the north of the site.

3. The Applicants are seeking a variance from the side yard requirements to construct an addition to the north of the existing house.

4. The proposed two-story addition will occupy 781.87 square feet. The first floor will be used as a garage and the second level will be used as an extension of the residential space. The addition will extend from the northern edge of the existing structure to the north property line providing no side yard.

5. Advisory Neighborhood Commission 3F filed no report on the application.

6. Persons wishing to express support of or opposition to the application were given an opportunity to do so.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicants are seeking an area variance, the granting of which requires a showing through substantial evidence that the Applicants have met the

requirements of Paragraph 8207.11 of the Zoning Regulations. Sub-section 3305.1 requires that a side yard of eight feet be provided in the R-1-A District. The proposed addition will provide no side yard necessitating a variance of 100 percent.

The Board concludes that the Applicants have met their burden of proof. The lot is affected by a unique condition in that it is adjacent to a public alley which exists on paper but in reality is a 20 foot wide area covered with vegetation which serves as a buffer area between the subject site and the neighboring property. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 5 of the record.

VOTE: 5-0 (Patricia N. Mathews, William McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to GRANT)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JUL 10 1987

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 CONSUMER AND REGULATORY AFFAIRS.