

PUBLIC HEARING--February 17, 1965

Appeal #8056 Gerald Kapiloff, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting the following Order was entered on February 17, 1965:

ORDERED:

That the appeal for a variance from the provisions of paragraph 7502.2 of the Zoning Regulations to permit erection of a swimming pool as accessory use in front yard of dwelling at 4600 Broad Branch Road, N.W., lot 1, square 2258, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot is "pie-shaped" and contains an area of 13,700 square feet of land. It has a frontage on Bradywine and Broad Branch Road of 201.06 feet and depths of 136.28 feet on the north and west sides. The west side of the lot abuts a 20 foot wide public alley. Property across Broad Branch Road is U. S. Parkland.

(2) Due to the shape of the lot appellant's rear yard varies in depth from a maximum of 40 feet to a minimum of 15 feet. Appellant therefore contends that due to the shape of the lot and the irregularly shaped rear yard that it is impracticable to erect this swimming pool in this rear yard as required by the Zoning Regulations.

(3) The lot has a fifteen foot restriction line along its frontage and the erection of this swimming pool, approximately 50 x ~~32~~ 30 feet in size, still requires that one end of the pool be located within nine feet of his dwelling.

(4) An inspection of the plat books reveals that the nearest point of this pool will be approximately 40 feet from the adjoining residence across the public alley.

(5) Appellant will erect a five foot high fence around the entire pool area with shrubbery planted in front to conceal the fence.

(6) Appellant's dwelling is located on a lot approximately 20 feet above the street level.

(7) There was objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the statute and that it would be a hardship to compel this appellant to adhere to the strict interpretation of the Zoning Regulations due to the smallness and irregularity of the rear yard of this property.

We are of the further opinion that appellant has screened the pool in a manner that will create no unsightly conditions to his neighbors and the location of the pool well above the street grade will tend to obscure its view from the street and from adjoining properties.

In view of the above we are of the opinion that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map.

---