

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 12, 1967

Appeal No. 9270 William Fogarty, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on July 19, 1967.

EFFECTIVE DATE OF ORDER - August 30, 1967

ORDERED:

That the appeal for a variance from the side yard requirements of the R-1-B District to permit enclosing of the second story rear porch at 3237 Klingle Road, N.W., lot 23, Square 2098, be granted.

FINDINGS OF FACT:

1. The subject property is located in the R-1-B District.
2. The lot has a frontage of 20 feet on Klingle Road and depths of 160.83 feet and 154.72 feet to a public alley in the rear. The lot contains an area of 3,156 square feet.
3. This lot and the two adjoining lots are improved with a community dwelling which was permitted under Zoning Regulations in effect some years ago. This regulation defined a "Community House" as a group of not more than three single-family dwellings so designed as to give the appearance of a single building and erected simultaneously. The regulation further stated that a "Community House" could waive requirements of side and rear yards for each dwelling of the group, provided two side yards, each not less than 10 feet wide, and a rear yard not less than 10 feet deep, are provided for the Community House.
4. Appellant's building is the middle of the three buildings and therefore no side yards are provided.
5. The building as proposed will not exceed the lot occupancy requirements of the R-1-B District.
6. The property is nonconforming because present regulations do not permit community houses and two side yards of not less than 8 feet in width are required, and further, the property does not meet the minimum lot width and area requirements of the present regulations.

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7. There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

In view of the above findings we are of the opinion that the appellant has shown a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of this appeal would result in peculiar and practical difficulties and undue hardship upon the owner.

We are further 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 Maps.

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

ATTESTED:

By:



CHARLES E. MORGAN
Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.