Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - August 12, 1970

Appeal No. 10505-06 Raymond L. Poston, et al, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried, with Arthur B. Hatton dissenting, the following Order of the Board was entered at the meeting of August 18, 1970.

EFFECTIVE DATE OF ORDER - October 8, 1970

ORDERED:

That the appeal for variance from the lot occupancy, width and area requirements of the R-4 District to permit subdivision into five (5) lots for new townhouses, each containing a rental unit, and extension of the use not more than 35 feet into the C-M-1 District to permit required off-street parking at 1356-60 G Street, SE., Lots 143-147, Square 1043, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located mainly within an R-4 District, with a portion of the property at the rear of the lots extending into the C-M-1 District.

2. Lots 143-147 were created pursuant to subdivision permitted by Board of Zoning Adjustment, Appeal No. 9897. The Board in that appeal granted similar relief for the middle three lots.

3. Applicants request relief so as to permit evening out of lot frontages and areas, as shown on BZA Exhibit No. 2. Each lot will have a frontage of approximately 17 feet with a minimum lot area of 1,614 square feet and a minimum lot occupancy of approximately 39 per cent.

4. The lots which are the subject of this appeal were in single ownership on the effective date of the 1958 Regulations and, at that time, were split-zoned C-M-1 and R-4.

5. The extension of the R-4 District to the rear portion of the subdivision is required to permit the accessory parking spaces for the townhouses, which as residential uses, would not be permitted in a C-M-1 District.

6. Each of the five (5) townhouses proposed will contain a rental unit on the first floor and the owner's residence on the second floor. The houses will be constructed so that the owner, at his option, may remove a partition to permit use of the entire structure as one dwelling unit.

7. As a matter of right under the existing subdivision area, five (5) houses would be permitted. However, the two outside lots would be disproportionate in size, one being 14.59 feet and the other being 18.45 feet.

8. The majority of lots used for residential purposes in this neighborhood range in width from 13 to 18 feet. The owners, on these bases, state that adherehce to the requirements of the R-4 District would be impracticable and would require their property to be developed in a manner out of character with the surrounding neighborhood.

9. As can be seen from the plans marked BZA Exhibit No. 2, the architecture is in keeping with the general character of townhouses on Capitol Hill. Applicants stated that the Capitol Hill Restoration Society offers no objection to this appeal.

10. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that applicants have proven a hardship within the variance clause within the meaning of the Zoning Regulations and that denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owners.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

This Order shall be subject to the following conditions:

This subdivision is approved in accordance with the proposed subdivision as shown on BZA Exhibit No. 8.

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

ATTESTED:

By: _____
PATRICK E. KELLY
Secretary of the Board

THAT 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.