

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- September 13, 1972

Application No. 11113 Richard A. Rubin, et al, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried in the absence of Mr. Scrivener, the following Order of the Board was entered at the meeting of September 26, 1972.

EFFECTIVE DATE OF ORDER -- November 8, 1972

ORDERED:

That the application for variance from the minimum width and lot area requirements of the R-4 District to permit subdivision and erection of three townhouses at 510-12 G Street, S.E., lots 802 and 803, Square 846 be GRANTED CONDITIONALLY.

FINDINGS OF FACT:

1. The subject property and all property in the Square and adjoining Squares to the north, east and west are zoned R-4 (row dwellings and conversions). Property to the south is zoned R-5-B (district of general residence).
2. The applicant requests a variance from the area and width requirements of the R-4 District to permit subdivision into three lots for row houses each to contain a rental unit.
3. The property is composed of two lots; one is vacant and the other is improved by a two-story structure devoted to a grocery store use. The grocery store at present is non-operating but remains a valid use.
4. The depth of the lots is 90 feet, total frontage is 47 feet and the lot area is 4,230 square feet. The proposed plan for the subdivision would lack a total of approximately 390 feet from complying with minimum lot area requirements and 2.33 feet from meeting width requirements.
5. The surrounding blocks in the area are below or not meeting the R-4 space requirements with 63% having less than the minimum width requirements.
6. The proposed plan would return the non-conforming commercial use to a residential use in keeping with the architectural style of the neighborhood.

7. Under existing zoning, construction costs would be high and prevent owner from securing financing for the project and selling the houses at a reasonable profit. Owner would be obliged to construct two houses as opposed to three, hence making his effort worthless.

8. Applicant's proposed plan meets with no neighborhood objection. In fact, the record reflects substantial support by individual property owners as well as the Capitol Hill Restoration Society and the Capitol Hill Southeast Citizens Association. The general consensus of the statements submitted viewed the project as a potential enhancement of the neighborhood.

OPINION:

Applicant petitions here for a variance from area and width requirements of the R-4 District to permit subdivision into three lots for row houses each containing a rental unit. The total area involved is approximately 4,230 square feet. Each proposed lot area will be approximately 1,410 square feet.

The basis for applicant's petition is Section 8207.11 of the D.C. Zoning Regulations. This places the onus upon the applicant to demonstrate to the Board's satisfaction that indeed exceptional and undue hardship would result but for the variance. Applicant asserts that to construct two houses on this amount of space would be unnecessarily burdensome, impractical, and out of harmony with the surrounding area.

Elements also considered were the need for housing in the Capitol Hill area, housing at a moderate price as to place it within reach of more people, arrest further neighborhood deterioration and emphasize a rehabilitative direction for the neighborhood. Additional recognition was given to parking space which would be adequately provided in the rear by an alley.

The surrounding lots on the block, in fact, a majority, are undersized and fail to satisfy R-4 standards. The three lots proposed by applicant for the subject site will be larger than a great majority of the existing lots.

R-4 row dwellings require 1,800 square feet per unit but the Board finds that the burden has been carried by applicant to its satisfaction and hereby grants the variance subject to the following condition:

- a. Applicant shall erect single-family row dwellings ONLY.

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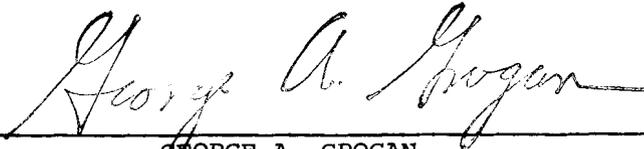
We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested 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.

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

ATTESTED:

By: _____



GEORGE A. GROGAN
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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.