

Before the Board of Zoning Adjustment, D.C.  
August 30, 1972  
PUBLIC HEARING - September 13, 1972

Application No. 11169 - Arlene Limited Partnership, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried with Mr. Scrivener abstaining, the following Order of the Board was entered at the meeting of September 25, 1972.

EFFECTIVE DATE OF ORDER - November 6, 1972

ORDERED:

That the application for variance from the rear yard requirements of R-5-B District and for reinstatement of BZA Order No. 9293 for waiver of 2 off-street parking spaces at 1441 Florida Avenue, N.W., Lot 223, Square 2660, be GRANTED.

FINDINGS OF FACT:

1. The subject property is in an R-5-B District.
2. The subject property has a proposed use as apartment buildings which are now under construction.
3. Appellant requests a variance from the rear yard provisions of the R-5-B District and reinstatement of BZA Order No. 9293 for waiver of two off-street parking spaces.
4. During mid-April, 1972, appellants were advised by the D.C. Building Inspector that they would have to stop work due to insufficient rear yard space since the rear of the building was only 12.9 feet from the property line.
5. The appellant's architect and surveyor made a faulty original plat drawing which inverted the angle of the front property line (see plat, Exhibit No. 3) which caused the corner blocks to be placed 2-1/2 feet further back than they should have been.

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6. The structure is 65% completed with all masonry work completed and appellant stated it would be impossible to add additional rear yard space without physically removing two feet of the building.

7. The topography of the ground is such that the building abuts a hill and for all practical purposes does not have a rear yard as such.

8. At the public hearing there was no opposition registered as to the granting of this application.

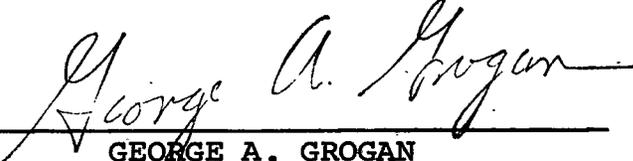
OPINION:

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:   
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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 A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.