Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 29, 1972

Application No. 11189 NATCO Developers, Inc., appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried by a vote of 4-0, the following Order of the Board was entered at the meeting of January 23, 1973.

ORDERED:

That the application for a variance from side yard requirements of R-2 District to permit erection of single-family dwellings at 809 46th Street, N. W., Lot 19, Square 5150, be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-2 District which is defined by the Zoning Regulations as an area of single-family, semi-detached dwellings.

2. It is applicant's request to secure from this Board a side yard variance of two (2) feet for the left side yard, as six (6) feet is provided and an eight (8) feet minimum is required in the R-2 zone.

3. This application is submitted pursuant to Section 8207.11 which requires applicant to demonstrate to the Board's satisfaction that he will indeed be subject to a hardship as the property owner.

4. At the public hearing, Mr. Grogan, Secretary of the Board of Zoning Adjustment, related to the Board that applicant was also in need of a lot area variance and lot width variance as well as the two foot side yard variance.

5. The applicant proposes, in essence, to use this vacant lot to erect a single-family dwelling on the subject property.

6. This Board is in receipt of no evidence of hardship which it is obligated to consider.

7. No opposition was registered at the public hearing as to the granting of this application, nor were any letters of opposition submitted to the file for the Board's consideration.

OPINION:

This case was filed on November 8, 1972, and presented at the public hearing on November 29, 1972. Pursuant to the Zoning Regulations, in order for this Board to be accountable to its legislative mandate, we have no alternative but to deny the application herein. The application, pursuant to Section 8207.11 which is the variance Section necessitates a showing of hardship. The type of hardship that is fundamental in order to secure the variance requested, must be of sufficient evidence which would warrant "practical difficulties" to the owner. This has become the basic "yard stick" upon which this Board functions.

At times, this Board is reluctant, but remains committed by law, to the particular responsibilities in which it has been entrusted.

We are of the opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot 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

GEORGE A. GROGAN
Secretary of the Board

March 20, 1973