

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 15, 1973

Application No. 11252 Herman B. Greene, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried by a vote of 3-1, the following Order of the Board was entered at the meeting of January 23, 1973.

EFFECTIVE DATE OF ORDER -- March 28, 1973

ORDERED:

That the application for permission for a variance from the lot area and side yard variance, located at 4233 Marne Place, N.E., Lot 18 and 20, Square 5100, be GRANTED.

FINDINGS OF FACT:

1. Subject property is located in an R-1-B District which is defined by the Zoning Regulations as an area of one family detached dwellings, medium density.
2. Applicant seeks a variance 400 square feet from the lot area requirements. Applicant can provide 3,668 square feet whereas 5,000 square feet is required by the regulations. (pursuant to Section 3301.1).
3. Applicant further needs a variance of seven feet (7") as the lot can provide only a one foot (1") side yard, whereas the minimum is eight feet (8") in the R-1-B Residential Zone. (pursuant to Section 3305.1).
4. The subject property is presently vacant and the applicant proposes to build a single family dwelling, containing three bedrooms, living room, kitchen, bath, recreation room and basement.
5. Applicant contends he is subject to a hardship in that the property cannot be expanded because of an abutting alley.

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6. No opposition was voiced at the public hearing nor were any letters in opposition submitted to the file for the Board's consideration.

OPINION:

The Board has reviewed the testimony and the entire file in the application herein and is of the opinion that adequate justification has been presented by applicant to warrant the requested relief.

We hesitate to permit erection of structures on such relatively small lots, however, applicant-owner has no choice and cannot expand the property line to accommodate and satisfy the regulations. Furthermore this Board is eager to foster single family dwelling construction in the city and is sensitive to applicant's circumstances.

In order for the applicant to gain beneficial use from his property he will need this Board's permission. We hereby GRANT that needed relief in the form of variances.

We are of the opinion that the 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 not 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 Maps.

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