

Before the Board of Zoning Adjustment, D. C.

Application No. 11390 of Amy N. B. Goldstein, et al for a variance pursuant to Section 8207.11, from lot area, occupancy and side yard requirements of R-2 District to permit construction of 16 townhouses as provided by Section 3301.1, 3303, and 3305 of the Zoning Regulations at 39th and Klinge Place, N. W., Lots 56-70 and lot 813, Square 1815.

HEARING DATE: June 20, 1973

EXECUTIVE SESSION: July 24, 1973

FINDINGS OF FACT:

1. The property is located in an R-2 District.
2. The proposed development contains 16 lots, some of which do not conform to the provisions of the R-2 District with respect to area and side yard standards.
3. Applicant intends to build 16 houses in groupings of four.
4. Nine lots need area variances.
5. Applicant contends that a practical difficulty and hardships exist, which make it necessary to request variance:
  - A. That the elevation of the land rises 3 to 6 feet in varying locations from street frontage to the alley behind proposed housing sites.
  - B. That the property has poor soil bearing qualities.
6. When queried by the Board as to whether or not the soil conditions of the property were unique to the ones in which the site is located, attorney for applicant answered no.
7. The opposition contends that the soil is similar both across the alley behind the proposed housing sites and across the street and that structures there have stood 30-40 years in satisfactory condition.
8. The architect for the applicant testified that he designed an alternative plan for developing the property.
9. There was considerable opposition.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that applicant has not proved a hardship within the meaning of Section 8207.11 of the Zoning Regulations. We find that the hardship does not uniquely affect the petitioner's property, Palmer v. BZA, D.C. App., 287 A. 2d 535 (1972).

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.

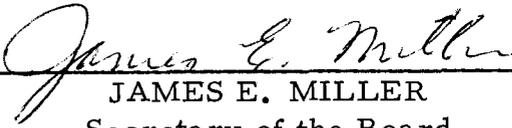
ORDERED:

That the above application be DENIED.

Vote: 4-0 Mr. Harps not voting

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

ATTESTED BY:

  
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JAMES E. MILLER  
Secretary of the Board

FINAL DATE OF ORDER: AUG 27 1973