

Before the Board of Zoning Adjustment, D. C.

Application No. 11562, of Arthur L. Willcher, pursuant to Sections 8207.2 and 8207.11 of the Zoning Regulations for a special exception to erect six townhouses in the R-5-A District as provided by Section 3105.42 of the Zoning Regulations and variances from the lot area requirements, parking requirements and rear yard requirements of the R-5-A District located at 2400-2410 Lafayette Avenue, N. E., Lots 803-807, Square 4110.

HEARING DATE: March 20, 1974

EXECUTIVE SESSION: March 26, 1974, July 27, 1974

ORDERED: That the Board of Zoning Adjustment Order No. 11562 dated May 15, 1974 be amended to GRANT the above application and plans identified as exhibits Z and Y.

VOTE: 3-1-0 (Lilla Burt Cummings, Esq., dissenting and Martin Klauber abstaining.)

FINDINGS OF FACT:

1. No opposition was registered at the public hearing on this application.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the fact that applicant's plans reduce the number of variances requested in the original application, the Board concludes that this application can be GRANTED without substantially impairing the purpose, intent and spirit of the Zoning Regulations and without detriment to the public good as provided in Section 8207.11 of the Zoning Regulations.

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

ATTESTED BY: James E. Miller  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: 7/31/74

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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.

Before the Board of Zoning Adjustment, D. C.

Application No. 11562, of Arthur L. Willcher, pursuant to Sections 8207.2 and 8207.11 of the Zoning Regulations for a special exception to erect six townhouses in the R-5-A District as provided by Section 3105.42 of the Zoning Regulations and variances from the lot area requirements, parking requirements and rear yard requirement of the R-5-A District located at 2400-2410 Lafayette Avenue, N. E., Lots 803-807, Square 4110.

HEARING DATE: March 20, 1974

EXECUTIVE SESSION: March 26, 1974

FINDINGS OF FACT:

1. The applicant proposes to subdivide lots 807, 806, 805, 804 and 803 into six lots and erect six townhouses under Section 3105.42 of the regulations.

2. The proposed R-5-A development requires approval of more than 12 area variances by the Board.

3. The report submitted by the National Capitol Planning Commission as required by law, indicates that the proposed development conforms with the Comprehensive Plan for the National Capitol, however, the report comments unfavorably on the site plan.

4. The report submitted by the Mayor's Assistant for Housing Programs, Mr. James Banks, commented favorably on the proposed development and states that the proposal is consistent with the government's policy of promoting home ownership in the District of Columbia. The report also states the opinion of Mr. Banks, "the applicant has a basis for hardship for the granting of the requested variances."

5. Reports which are required by law to be submitted by the Department of Highways and Traffic and the Board of Education were not received within the forty day period for submission to the Board.

6. The applicant alleged, as contract purchaser of the subject property, that because of the irregular shape of the property (triangular shape) and that because no alley exists in the rear of the property, requiring the applicant to cut or construct curb cuts and aprons and to bring the street to grade along Channing Street, N. E., a hardship exists as a basis for the granting of the requested variances.

7. The applicant further alleged that the development of the subject property within the requirements of the regulations, would create a financial hardship.

8. The Board finds that the property could be developed by subdividing the property into five lots, then reducing the number of required variances for development of the property.

9. The subject premises consist of five lots at the present time. It is proposed that these five lots be re-subdivided into six lots. All newly created lots, with one exception, will be smaller than the presently existing lots, thereby increasing the required amount of lot area variances from all but one house (house no. four).

10. No opposition was registered.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the applicant has not demonstrated a hardship within the meaning of the variance clause of the regulations. The Board is of the opinion that the hardship alleged by the applicant is self imposed because the property can be developed with fewer houses, thus requiring fewer variances and that the triangular shape of the property creates a hardship only because of the proposed site plan, proposed subdivision and number of houses the applicant proposes to construct. Further, the Board does not consider an economic hardship alone as a basis for granting a variance.

Because of the large number of variances requested, as compared to the possible alternative for development of this site, the Board concludes that applicant has not adequately proved a hardship and that the granting of this application as filed would substantially impair the intent of the zoning map and plan.

Application No. 11562

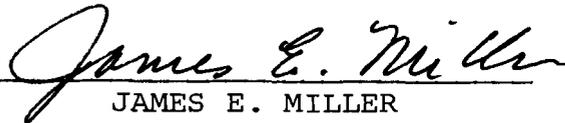
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ORDERED: That the above application be DENIED.

VOTE: 5-0

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

ATTESTED By: \_\_\_\_\_



JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: **MAY 14 1974**