

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11677, of Freedman-Willcher, pursuant to Sub-sections 8207.1 and 8207.2, for a variance from the lot area (Sub-section 3301.1), lot width (Sub-section 3301.1), side yard (Sub-section 3305.1), rear yard (Sub-section 3304.1) and street frontage (Sub-section 3301.6) requirements, from the requirement that each structure be on a separate lot of record (Sub-section 8103.3), and from the prohibition against parking within ten (10) feet of and in front of a dwelling (Section 7205) and for a special exception under Paragraph 7205.32 to allow parking on a lot other than the lot upon which the structure is located to permit the construction of six (6) row dwellings in the R-4 district at the premises 1328 and 1330 Farragut Street, N.W., (Square 2807, Lots 27 and 28).

HEARING DATE: December 17, 1975

DECISION DATE: December 17, 1975 (from the bench)

FINDINGS OF FACT:

1. The property is located in an R-4 district.
2. The site contains approximately 11,336 square feet and is currently vacant.
3. The applicant proposes to build six (6) row dwellings on the property, each dwelling to be constructed so as to face the east side lot line of the property rather than the street.
4. The application was originally filed with the Board in April of 1974. At that time, two alternative proposal were filed. The plans were subsequently amended, which amendment required different actions of the Board than those originally requested. No amendment of the application was made.
5. The Board held a public hearing on this case in February 1975, and in Executive Session on February 25, 1975, voted to approve the application by a vote of 4-1. No written order was issued because the relief voted by the Board did not correspond to the relief required by the applicant to execute the revised set of plans.
6. Subsequently, the applicant filed an amended application, and a second public hearing was held on December 17, 1975.
7. The subject property is rectangular in shape relatively flat and is 80 feet wide by 140 feet deep.
8. The plan as proposed by the applicant requires variances as follows:

- A. Lot area for four of the six lots
- B. Lot width for two of the six lots
- C. Side yard for two of the six lots
- D. Rear yard for all six lots
- E. Street frontage for five of the six lots
- F. Parking within ten feet of a dwelling and in the front yard on one lot
- G. Requirement to have a record lot on an undertermined number of lots
- H. Parking on-site for five out of six lots

9. The subject property is part of a row of lots on the south side of Farragut Street, between 13th and 14th Streets, N.W. All of such lots have the same depth (c.140 feet) and all have a minimum width of 40 feet at the street line. The Board finds that there is nothing that distinguishes the shape or dimensions of the subject property from the majority of the remaining lots in a four or five block radius.

10. The area within which the subject property is located is developed primarily with single family detached houses. North of Farragut Street, the immediate area between Georgia Avenue and 16th Street is zoned R-1-B. South of Farragut Street, the zoning is R-4 even though the predominant use as far south as Decatur Street is detached single family dwellings.

11. The Municipal Planning Office, by report dated December 12, 1975, recommended that the Board deny the application for the following reasons:

- A. The property exhibits no unusual physical characteristics to distinguish it from the majority of other property in the area which have been developed with conforming dwellings.
- B. The applicant states no basis for a practical difficulty or hardship.
- C. The construction of these row dwellings, facing the side lot line rather than the street, would be completely out of character with the existing neighborhood.

The Board finds these reasons to be persuasive.

CONCLUSION OF LAW AND OPINION:

The Board concludes that the subject property has no extraordinary or exceptional structure which would qualify it for consideration under the variance Paragraph (8207.11) of the Zoning Regulations. The Board concludes that the applicant demonstrated no practical difficulty or hardship which he would suffer were the application denied. The Board concludes that the proposed development is so out of character with the existing neighborhood that the requested variances could not be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore Ordered that the application be, DENIED.

VOTE: 4-0 (Walter B. Lewis, Esq. Lilla Burt Cummings, Esq. William S. Harps and Leonard L. McCants to DENY, William F. McIntosh not present, not voting).

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

ATTESTED BY: _____



STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THIS ORDER: _____

APR 29 1976