

Before the Board of Zoning Adjustment, D. C.

Application No. 11716 of Maude Moreland pursuant to Section 8207.1 of the Zoning Regulations for variances from the lot area and lot width requirements of the R-1-A zone to permit the construction of a single-family dwelling at 2744 Rittenhouse Street, N. W., Lot 825, Square 2319.

HEARING DATE: October 16, 1974

DECISION DATE: October 25, 1974, February 25, 1975

ORDERED: That the motion for reconsideration in the above case fails for lack of 4 affirmative votes.

ATTESTED BY:



JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: **MAR 11 1975**

Before the Board of Zoning Adjustment, D. C.

Application No. 11716 pursuant to Section 8207.1 of the Zoning Regulations for variances from the lot area and lot width requirements of the R-1-A zone to permit the construction of a single-family dwelling at 2744 Rittenhouse Street, N. W., lot 825, Square 2319.

HEARING DATE: October 16, 1974
DECISION DATE: October 25, 1974

FINDINGS OF FACT:

1. The subject property is located in the R-1-A zone which is the most restrictive zone in the District in terms of permitted uses and density of population, area, height and bulk restrictions. The main purpose of this zone is to promote suitable family living environs.

2. The lot width requirement of the R-1-A zone is 75 feet and the lot area requirement is 7,500 square feet, whereas, the lot width and lot area of the subject property is 44.96 sq. ft. and 6,829 square feet respectively.

3. The subject property is presently unimproved land.

4. The applicant requires area variances of 671 square feet from the lot area requirements of the R-1-A zone and 30.04' ft. from the lot width requirements of the R-1-A zone.

5. The applicant intends to sell the subject property contingent upon whether or not the relief requested in the subject application is granted.

6. The applicant did not offer proof at public hearing that strict application of the Zoning Regulations create a practical difficulty or a hardship to the owner of the subject property.

7. Opposition from neighboring property owners to the subject property stemmed from their objections to construction of a single-family dwelling on a substandard lot which they argue would have an adverse affect on the character of residences in general neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above Findings of Fact and the record, the Board concludes as a matter of law that the applicant in this case has not carried the burden of proving the existance of a practical difficulty or hardship as a basis for the requested relief from strict application of the Zoning Regulations as required by Section 8207.11 of the Regulations. The Board

is further of the opinion that absent such proof pursuant to Section 8207.1 of the Regulations, that it must strictly apply these Regulations to this application where the property involved is located in the most restricted residential zone. The Board concludes that the granting of this application would substantially impair the meaning and intent of the Zoning Regulations and Maps.

ORDERED: That the above application be DENIED.

VOTE: 4-0 (Mr. Klauber abstaining).

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: DEC 04 1974

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11716, of Maude Moreland, pursuant to Section 8207.1 of the Zoning Regulations for variances from the lot area and lot width requirements of the R-1-A zone to permit the construction of a single family dwelling at the premises 2744 Rittenhouse Street, N.W., Lot 825, Square 2319.

HEARING DATE: September 17, 1975
DECISION DATE: September 30, 1975

FINDINGS OF FACT:

1. This case was originally heard on October 16, 1974, and decided by the Board on October 25, 1974.
2. In an Order dated December 4, 1974, the Board Denied the application by a vote of 4-0 (Chairman Scrivener, Mr. Harps, Mr. McIntosh and Lilla Burt Cummings, Esq., to Deny, Mr. Klauber not voting.)
3. A motion for reconsideration of the application failed for lack of four (4) affirmative votes at the Board's meeting of February 25, 1975. An Order of the Board dated March 11, 1975, carried out that decision.
4. By Order No. 112, dated June 20, 1975, the Zoning Commission stayed the original Order of the Board dated December 4, 1974.
5. By Order No. 115, dated July 14, 1975, the Zoning Commission vacated the Order of the Board and instructed the Board to "Rehear Application No. 11716 to consider new testimony presented by the applicant."
6. The rehearing of the case was held on September 17, 1975.
7. The subject property is located in an R-1-A district.
8. The R-1-A district requires a minimum lot width of seventy-five (75) feet and a minimum lot area of seventy-five (75) feet. The subject property has an average lot width of 44.96 feet and has a lot area of 6829 square feet. Variances of 30.04 feet in width and 671 square feet in area are thus required to construct a structure in this district.
9. The lot was established in its current form on July 12, 1963.
10. Prior to December 7, 1975, the lot could have been built upon as a matter of right in the A. Semi-restricted area district then in effect.
11. On December 7, 1955, the Zoning Regulations were amended to require a minimum lot area of 5000 square feet and a minimum lot width of 50 feet.
12. On May 12, 1958, the R-1-A district was adopted and applied to this property.

13. Though there are other non-conforming lots in the square, they are more in accordance with the requirements of the R-1-A district than the subject lot.

14. The dimensions of the subject lot are such that they are 91 percent of the required minimum area and 60 percent of the required minimum width.

15. The applicant listed the property for sale at a minimum price of \$25,000. The person owning the property immediately adjacent to the site at 2750 Rittenhouse Street at one point offered to purchase the property for \$18,000.

16. There was opposition to the granting of this application.

17. The Board considered the opinion of the District of Columbia Court of Appeals in the case of ALW, Inc., v. D. C. Board of Zoning Adjustment.

CONCLUSIONS OF LAW:

The Board concludes that the applicant has not proved to the Board's satisfaction that a practical difficulty exists, and that the applicant had no recourse regarding some reasonable disposition of the property. At one point in time, the applicant had the option of selling the property to an abutting owner, for less than the price she was willing to accept. The Board does not believe it is the responsibility of the Board to approve a variance which in its judgement would impair the intent and purposes of the Zoning Regulations in order to give an owner a greater return on his property. The Board believes that the lot is sub-standard in such a manner, particularly as to the width, that the application should not be approved. It is therefore ORDERED that the subject application be DENIED, by a vote of 3-2 (Chairman Scrivener, Dr. Lewis, and Lilla Burt Cummings, Esq., to DENY, Mr. Harps and McIntosh dissenting.)

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

Attested By: _____



STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: _____

FEB 19 1976