

Before the Board of Zoning Adjustment, D. C.

Application of No. 11762 of Rita Diguilian pursuant to Section 8207.1 of the Zoning Regulations for area variance from the lot width and lot area requirements of the R-1-B zone as prescribed by Section 3301.1 of the regulations and a variance from Section 7205.2 and 7205.21 of the regulations to allow parking within ten (10) feet of a dwelling as provided by Section 8207.11 of the regulations, to permit the construction of a single family dwelling at the premises 4421 Nebraska Avenue, N. W., lot 834, Square 1778.

HEARING DATE: November 26, 1974

DECISION DATE: January 21, 1975

FINDINGS OF FACT:

1. The use of the subject property, for a single-family dwelling, as proposed, is permitted in the R-1-B zone as a matter of right, however in order to construct such a dwelling on a record lot, the lot must contain a minimum of 5,000 sq. ft. and be at least 50 feet wide as prescribed by Section 3301.1 of the regulations.

2. The subject property contains only 2,400.13 sq. ft. of lot area and has a lot width of 4076 feet, therefore, the applicant requires area variances of 2,599.87 sq. ft. and 9.24 feet respectively.

3. The architectural site plans for the proposed single-family dwelling comply with the all other height and area requirements.

4. Evidence of record indicates that the applicant party to a contract of sale for the subject property conditioned upon the granting of the variances requested herein.

5. The Board finds that the subject property, lot 834, in square 1778 exists as a result of assemblage of property which was known previously as lots 811, 810, and 835 of square 1778.

6. The applicant also requests a variance to permit parking within 10 feet of a dwelling.

7. Neighbors in opposition to the subject application testified at public hearing, that they object to the proposed construction because it would constitute over building on a substandard lot, and would adversely affect the character of this R-1-B neighborhood.

8. No evidence was offered by the applicant relating to any hardship related to her of the subject property.

CONCLUSIONS OF LAW:

Based upon the above findings and the record, the Board concludes that the owner applicant has not carried her burden of proving the existing of a hardship as required by Section 8207.11 of the regulations, and the Board further concludes that because shw is contract purchaser, conditioned upon this variance request, of the subject property, that she is protected from any hardship which she might have claimed. The Board is of the opinion, that this substandard lot, created through an assemblage of three other substandard lots, if built upon, would be objectionable by reason of the maximum bulk of the proposed structure which would occupy the near maximum lot occupancy (40%) for the R-1-B zone. This density on the subject property, together with parking within ten (10) feet of the proposed dwelling would, if granted, would not be in harmony with the general purpose and intent of the zoning regulations.

ORDERED: That the above application be DENIED.

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: **MAR 18 1975**