

Before the Board of Zoning Adjustment, D. C.

Application No. 11826, of Hessick Investment Corporation, pursuant to Section 8207.1 of the Zoning Regulations for an area variance from the lot width requirements (Section 3301.1) of the R-2 Zone, to permit the construction of four single family semi-detached dwellings as provided by Section 8207.11 of the regulations, at the premises 4014-20 D Street, S. E., known as lots 5, 6, 7, & 8, Square 5401.

HEARING DATE: April 16, 1975

DECISION DATE : April 16, 1975

FINDINGS OF FACT:

1. The subject property consists of four (4) lots, twenty-five (25) feet in width, and one hundred-fifty (150) feet in length each.
2. The applicant proposes to construct four (4) semi-detached houses on the subject property.
3. The subject property is located in the R-2 Zone, which would enable the applicant to construct two (2) semi-detached houses as a matter of right.
4. Section 3301.1 of the regulations requires lots in the R-2 Zone to be twenty-five (25) feet in width.
5. The applicant requires an area variance of twenty (20) feet.
6. Opposition was registered by an abutting property owner at public hearing.
7. The opposition objects to four (4) dwellings being constructed on the subject property, and asserts that the granting of the requested lot width variances would be objectionable to the neighborhood because of congestion created by four (4) dwellings located on substantial lots.
8. The neighborhood in question is composed of a majority of community houses, see 1202 of the Zoning Regulations.
9. Although a dedicated alley abuts the rear of the subject property, the Board finds that it does not exist by way

of an actual improvement.

10. The opposition stated that because there is no alley behind the subject property, that an objectionable condition would result by requiring more garbage and trash to be placed on the street for collection.

11. The applicant did not proffer any evidence to demonstrate a practical difficulty or hardship relating to his ownership on these specific pieces of property.

CONCLUSIONS OF LAW :

Based upon the above Findings of Fact and the record, the Board is of the opinion that the proposed construction would have an adverse affect upon the use of nearby and adjoining property, and concludes as a matter of law, that strict application of the Zoning Regulations will not deny the applicant all beneficial use of his property, in as much as, two (2) semi-detached dwellings may be constructed on this property as a matter of right. The applicant has not complied with Section 8207.11 of the regulations, therefore, the requested relief cannot be granted.

ORDERED : That the above application be DENIED.

VOTE : 3-1-0 (Mr. Klauber dissenting, Mr. Harps not voting, not having heard the case).

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: **MAY 16 1975**