

Before the Board of Zoning Adjustment, D. C.

Application No. 11913 of Margaret DeV. Gabriel, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the lot area requirement (Sub-section 3301.1) to permit subdivision of the subject property into two lots in the R-1-B District at the premises 2323 Bancroft Place, N.W. (Square 2519, Lot 208).

HEARING DATES: June 18, 1975, July 22, 1975

DECISION DATE: August 6, 1975

DISPOSITION: Application granted by a vote of 3-1 (Scrivener, Harps and McIntosh to grant, Cummings to deny, and Lewis not voting).

FINAL DATE OF THE ORDER: September 2, 1975

MOTION FOR RECONSIDERATION FILED: September 2, 1975

DECISION DATE: September 30, 1975

DISPOSITION: Motion failed for lack of four affirmative votes.

FINAL DATE OF ORDER: October 6, 1975

ORDER

Upon consideration of the Application for Stay of the Board of Zoning Adjustment Order Granting Variance Pending Appeal, dated November 6, 1975, the Board finds that the request is moot, as the court case was dismissed by stipulation of the parties on January 5, 1976. It is therefore ORDERED that the Application for Stay be DENIED.

DECISION DATE: January 14, 1976

VOTE: 3-0 (Lewis, Harps and McIntosh to deny, Cummings and McCants not present, not voting).

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

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF THE ORDER: _____

MAR 4 1976

Before the Board of Zoning Adjustment, D. C.

Re-hearing of Application 11913, of Margaret de V. Gabriel, pursuant to Section 8207.1 of the Zoning Regulations, for an area variance from the lot area requirements of Section 3301.1 of the Regulations to permit subdivision of the subject property into two (2) lots, in the R-1-B Zone, at the premises 2323 Bancroft Place, N. W., known as lot 288, Square 2519.

HEARING DATE: June 18, 1975, July 22, 1975

DECISION DATE: June 18, 1975, August 6, 1975

FINDINGS OF FACT:

1. This application was heard and granted from the Bench on June 18, 1975, however, the case was called before its scheduled time and the opposition did not have an opportunity to testify. Accordingly, the Board reheard the case on July 22, 1975 and entered a final decision on August 6, 1975.

2. The applicant proposes to subdivide lot 288 in Sq. 2519 into two lots, however, a variance is required because the subject property adjoined another unimproved lot in the same ownership as of November 1, 1957, and because the proposed subdivision would not comply with the lot area requirement of the R-1-B zone, (3301.4 and 3301.1).

3. The Board finds that the applicant proposes to create two buildable lots of record.

4. The Board finds that lot 288 was formerly lots 5 & 6, and have since been combined into one lot by the owner-applicant in this case.

5. The applicant combined the two(2) lots, 5 and 6, in order to construct one house and site in the middle of Lot 285, after their purchase in 1967.

6. The applicant testified that since purchase and combination of Lots 5 & 6 into lot 288, that she and her husband have purchased a house and now do not intend to build on lot 288.

7. Upon subdivision, lot 288 would be divided into two lots of 50' x 97.5; which would create two lots being 125' of the required lot area requirement of the R-1-B zone.

8. The Board finds that the width of lots property in the immediate vicinity of the subject property are all less than 37.05 feet, which is below the R-1-B lot width requirement of 50.

9. The opposition objects to the proposed subdivision on grounds that purchasers of property near the subject property, who purchased after 1967, did so relying on the fact that only one house could be constructed on the property known as lot 288, and that if this application is granted, a precedent will be set for such action in the neighborhood.

10. The opposition also stated that the proposed subdivision, if granted would alter the character of this neighborhood by creating a greater density.

11. The Board finds that the objection of the opposition relating to precedent that the granting of this application have is unfounded, for each case must be supported by facts relating to the property.

13. In as much as, a dwelling that would be constructed on the proposed to be lot would have to meet setback, side yard, rear yard, and lot occupancy and minimum height requirements of the R-1-B Zone, The Board finds that the character of the neighborhood, if this application were granted, would not be changed to any other than R-1-B in nature.

OPINION AND CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the record, the Board is of the opinion that the applicant has demonstrated a practical difficulty and a hardship within the meaning of Section 8207.11 of the regulations by showing that the owner does not intent to build one house on the property as originally intended by combining this property into one lot. In the opinion of the Board, the fact that the lot in question was once two lots, and that if subdivided, would create lots of a larger size that those existing in the neighborhood is an unusual condition of the specific piece of property subject to this application.

The Board concludes that this application, if granted, would not adversely affect nearby or adjoining property, be detrimental to the public good, or impair the meaning and intent of the Zoning Regulations and Maps.

ORDERED: That the above application be GRANTED.

VOTE: 3-1-0 (Lilla Burt Cummings, Esq., dissenting, and Dr. Lewis not voting, not having heard the applicant's in Chief)

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

ATTESTED By: 
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: 9/2/75

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. 11913 of Margaret de V. Gabriel, pursuant to Section 8207.1 of the Zoning Regulations, for an area variance from the lot area requirements of Section 3301.1 of the Regulations to permit subdivision of the subject property into two (2) lots, in the R-1-B Zone, at the premises 2323 Bancroft Place, N. W. known as lot 288, Square 2519.

HEARING DATE: June 18, 1975, July 22, 1975

DECISION DATE: August 6, 1975, September 30, 1975

ORDER

Upon consideration of the opposition's Motion for Reconsideration, Rehearing, Reargument of this Board's decision in Application No. 11913, dated September 2, 1975, the Board finds that the motion fails to state a basis of error on the part of the Board to support a motion for, reconsideration, to identify new evidence which is the basis of a motion for rehearings, and to raise substantial question of fact which would warrant rehearing of this matter. Accordingly, it is hereby ORDERED:

That the opposition's post hearing appeals fail for the lack of four (4) affirmative votes.

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER: 10/6/75