

Before the Board of Zoning Adjustment, D. C.

Application No. 11971, of Glen Incorporated, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the lot area requirements of Section 3301 of the regulations to permit construction of a two-story detached single family dwelling in the R-2 zone, as provided by Section 8207.11 of the regulations, at the premises 4824 Belt Road, N.W., known as Lot 800, Square W-1764.

HEARING DATE: July 22, 1975

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

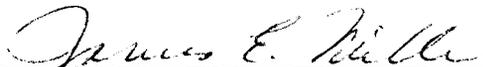
ORDERED

Upon consideration of the opposition's motion for reconsideration of this Board's decision in application No. 11971, dated September 3, 1975, the Board finds that said motion fails to state a basis of error on the part of the Board to support reconsideration of the matter. accordingly, it is hereby, ORDERED:

THAT OPPOSITION'S POST HEARING APPEAL FAILS FOR A LACK OF FOUR (4) AFFIRMATIVE VOTES.

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

ATTESTED BY:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER:

Oct, 9, 1975

Before the Board of Zoning Adjustment, D. C.

Application No. 11971 of Glen Incorporated, pursuant to subsection 8207.1 of the Zoning Regulations for a variance from the lot area requirement (Section 3301) to permit the construction of a two-story single family dwelling in the R-2 District at the premises 4824 Belt Road, N.W. (Square W-1764, Lot 810).

HEARING DATE: July 22, 1975

DECISION DATE: August 6, 1975

DISPOSITION: Application GRANTED by a vote of 4-1 (Scrivener, Harps, McIntosh and Lewis to GRANT, Cummings to DENY).

FINAL DATE OF THE ORDER: September 2, 1975

MOTION FOR RECONSIDERATION:

DATE: September 10, 1975

DISPOSITION: Motion for Reconsideration failed for lack of four affirmative votes.

FINAL DATE OF THE ORDER: October 9, 1975

ORDER

Upon consideration of the opposition's Motion for Stay of Order Pending Judicial Review, dated November 3, 1975, the Board finds that the motion does not set forth adequate grounds for the Board to stay its own Order and that the petitioner has recourse through the courts, if he desires further relief. It is therefore ORDERED that the request for stay be DENIED.

VOTE: 3-0 (Harps, McIntosh and Lewis to deny, Scrivener and Cummings 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 ORDER: MAR 1 1976

Before the Board of Zoning Adjustment, D. C.

Application No. 11971 of Glen Incorporated pursuant to Section 8207.1 of the Regulations for a variance from the lot area requirements of Section 3301 in the R-2 zone to permit construction of a two-story, detached single-family dwelling at premises 4824 Belt Road, N.W., known as Lot 810, Square W-1764.

PUBLIC HEARING: July 22, 1975

EXECUTIVE SESSION: August 6, 1975

FINDINGS OF FACT:

1. The subject property is presently unimproved and contains 2,433 square feet with 40 feet of frontage and a depth of approximately 60 feet.

2. Under the provisions of Section 3301.3 (the 80% rule), the subject lot may be developed as a matter of right with a semi-detached dwelling (as defined in the Regulations) since the requirements for such lot would call for 2,400 square feet in area and 24-foot frontage.

3. Although a semi-detached dwelling under the provisions of the Regulations would be permitted as a matter of right, a provision added in 1970 to the Zoning Regulations (3305.4) requires all one-family dwellings which do not share a common division wall with an existing building or a building being constructed together with the new building to have a side yard of 8 feet. Because all abutting surrounding lots have rear yards contiguous to the subject lot, a dwelling cannot be constructed together with the new building to have a side yard of 8 feet. Because all abutting surrounding lots have rear yards contiguous to the subject lot, a dwelling cannot be constructed which would share a common division wall with an existing building. Consequently, the applicant has set back the house the 8-feet to comply with the side yard requirements.

4. In complying with the side yard requirements, the applicant technically has a detached, single-family dwelling which has a different and larger area requirement than the semi-detached dwelling which would ordinarily be permitted as a matter of right.

5. The only way in which the subject property may be put to single-family use is by a variance from this Board. This Board, as a safety valve of the Zoning Regulations, must therefore give consideration to permitting development thereon.

6. An examination of the subject square indicates that Lot 810 is larger than the majority (approximately 90%) of the lots in the square and is more than three times the size of the abutting lots. Thus, the character of the development in the area is of substandard, nonconforming structures.

7. The proposed building complies with all other requirements of the Zoning Regulations including height, side yard, lot occupancy and, in fact, complies with open space requirements for side yards of the more restrictive zoning districts.

8. A building on a portion of the subject property existed prior to 1900 until approximately 1934.

9. This application, as shown in the photographs furnished the Board restored five row dwellings at 4823-4831 41st Street, N.W. in the same square.

OPINION AND CONCLUSIONS OF LAW:

The Board is of the opinion that the applicant has established a basis for the grant of this area variance by virtue of the fact that the strict application of the Zoning Regulations would result in a practical difficulty to the applicant. Without a variance from this Board, the land which otherwise meets the area requirement for a semi-detached dwelling in the R-2 zone would be forced to remain in vacant.

Additionally, the Board is of the opinion that the granting of the variance will not cause substantial detriment to the public good nor will it impair the integrity of the zone plan. The proposed building will provide as much or greater open space than the vast majority of structures in the square. The proposed building comes well within all the applicable zoning provisions but for the lot area requirement. The character of the building proposed blends compatibly with other development in the area.

ORDERED: That the above application be GRANTED.

VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting).

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: 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.