

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12172, of A.G. and Jacqueline Arango, pursuant to Sub-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 premises 2330 and 2332 California Street, N.W., Lot 289, Square 2519.

HEARING DATE: June 22, 1976

DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. The applicants propose to subdivide Lot 289 in Square 2519 (containing 9,750 square feet) 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 is slightly below the lot area requirements of the R-1-B zone of 5,000 square feet for each lot.

2. The Board finds that the applicants propose to create two buildable lots of record, each containing 4,875 square feet.

3. The Board finds that Lot 289 was formerly Lots 13 and 14 and have since been combined into one lot by the owner-applicants in this case. These lots under the original subdivision in 1884 had a 50 foot width and a depth of 97.5 feet. One of the lots, Lot 14, was previously improved with a single-family dwelling.

4. The applicants combined the two lots, Lots 13 and 14, in order to construct one house after their purchase in 1967 and demolished the existing improvement.

5. The owners, after purchase and combination of Lots 13 and 14 into Lot 289, determined for financial reasons not to construct the house proposed.

6. Upon subdivision, Lot 289 would be divided into two lots of 50' x 97.5', which would create two lots being 125' short of the required lot area requirement of the R-1-B zone. This would permit the return of the property to two record lots on which could be constructed two single-family dwellings as originally contemplated by the 1884 subdivision and now in accordance with the R-1-B zone district.

7. The Board finds that the average width of lots of vacant land and land devoted to single-family use in the immediate vicinity of the subject property is approximately 38.93 feet, which is below the R-1-B lot width requirement of 50 feet. The average lot size is 4,113.82 square feet.

8. The land cost of the subject property to the contract purchaser is \$60,000 per lot. The cost to the present purchaser was approximately \$150,000.

9. The property has been vacant and on the market for sale since 1969.

10. Unless this minimum area variance is granted, the property is not likely to be developed for single-family development but would require for economic reasons development of a more intense or institutional use.

11. The condition applying to the subject property necessitating the area variance is not common to the neighborhood.

12. Development of two single-family houses on the property will be compatible with other development in the area.

13. The contract purchaser has reviewed this proposal for subdivision with neighbors. There was no opposition to the granting of the application.

14. Advisory Neighborhood Commission 1-D has "decided to not oppose" this application.

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 within the meaning of Section 8207.11 of the Regulations. 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 than those existing in the neighborhood, is an unusual condition of the specific piece of property subject to this application. Moreover, the evidence supports the conclusion that it would not be practical to build only one house on the 9,750 square foot area.

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Conclusions Cont'd

The Board concludes that this application, if Granted, would not adversely affect nearby or adjoining property, and would not 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 (William F. McIntosh, William S. Harps & Ruby B. McZier to GRANT, Lilla Burt Cummings, Esq., Dissenting, and Leonard L. McCants absent, not voting, not having heard the case).

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

ATTESTED BY:


ARTHUR B. HATTON
Executive Secretary

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.

FINAL DATE OF ORDER:

July 22, 1976