

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12464 of Lawrence Stander, pursuant to Paragraph 8207.11 of the Zoning Regulations to erect two (2) semi-detached houses requiring variances as follows: (1) lot area (Sub-section 3301.1); lot width (Sub-section 3301.1); (3) side yard (Sub-section 3305.1; and (4) variance from the use provisions of the R-1-B District (Sub-section 3101.3). The property is in the R-1-B District at 3535 Chesapeake Street, N.W., Lot 26, Square 1978.

HEARING DATE: July 26, 1977
DECISION DATE: August 3, 1977

FINDINGS OF FACT:

1. The subject property is located in an R-1-B zone district on the north side of Chesapeake Street, west of Connecticut Avenue, N.W.

2. The subject site is presently vacant and unimproved.

3. The applicant proposes the erection of two (2) semi-detached dwellings of approximately 25 feet in width and 45 feet in depth.

4. Pursuant to the Zoning Regulations semi-detached dwellings are not permitted in the R-1-B District. Such dwellings are first permitted as a matter-of-right in the R-2 District.

5. The subject lot has an area of approximately 6060 square feet. It is bounded on the north and east by 16' wide public alleys. Immediately adjacent to the west is a single family residence. Across the alley to the east is an apartment house which faces Connecticut Avenue.

6. The subject lot is relatively flat and is rectangular in shape. It offers no unique physical or topographical characteristics.

7. Most of the surrounding or nearby properties in the R-1-B Districts to the north, south and west are improved with single family detached dwellings, with lots ranging in size from 5,000 to 8,000 square feet in area.

8. Should the applicant be granted the relief sought, this would result in the following variances:

- a. 3533 Chesapeake Street, N.W.
Lot area - 1964 square feet or 39%
Lot width - 17 feet or 34%
Side yard (east) - 8 feet or 100%
- b. 3531 Chesapeake Street, N.W.
Lot area - 1976 square feet or 40%
Lot width - 17.13 feet or 34%
Side yard (west) - 8 feet or 100%

9. The Municipal Planning Office, by report dated July 19, 1977 and by testimony presented at the hearing recommended that the application be denied on the grounds that the property "does not exhibit any extraordinary or unique conditions," and that the substantial number of variances requested would create dwellings more appropriate for the R-2 District than for R-1-B.

10. There was opposition to the granting of this application from the Forest Hills Citizens Association and residents of the area on the grounds that it would change the character of the area, would overcrowd the site, would add to parking problems and would not be in the best interests of the area.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that these variances include both use and area variances, the granting of which requires the showing of an undue hardship as well as exceptional practical difficulty upon the owner of such property. The Board concludes that the subject property does not exhibit any extraordinary or unique conditions, and the applicant has therefore failed to meet the requirements of Paragraph 8207.11 of the Zonings Regulations. The applicant's proposal would, in effect, create the type dwellings more appropriate for the R-2 District.

The Board further concludes that the granting of this application would not be in harmony with the intent and purpose of the Zoning Regulations regarding R-1-B Districts. It is therefore ORDERED that this application is hereby DENIED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith)

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 SEP 1977