

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12547 of Thomas and Helene Vassil, pursuant to Paragraph 3207.11 of the Zoning Regulations, for variances from the lot area (Sub-section 3301.1) and rear yard (Sub-section 3304.1) requirements to permit the subdivision of three lots and the construction of three row dwellings in the R-4 District at the premises 1021 and 1025 North Carolina Avenue, S.E. and 103 11th Street, S.E. (Square 968, Lot 807).

HEARING DATE: December 21, 1977
DECISION DATE: January 4, 1978

FINDINGS OF FACT:

1. The subject property is located at Lincoln Square at the southwest corner of North Carolina Avenue and 11th Street, S.E. and is in an R-4 District. The addresses of the subject property are 1021 and 1025 North Carolina Avenue S.E. and 103 11th Street, S.E.

2. The subject property is unimproved and is indentified as Lot 807, Square 968, for tax purposes. It includes two lots of record, numbers E and F, Square 968, measuring 2,017 feet and 2,431 square feet respectively which conform to the requirements of the R-4 District in which they are located. The applicant proposes to re-subdivide the property into three lots to build three row houses.

3. The proposed three row houses will be located on non-conforming lots which will have 1745.62, 980 and 1290 square feet of lot area respectively, all less than the required minimum area in an R-4 District. All will necessitate lot area variances. Two houses will be facing 11th Street, S.E. and one house will face North Carolina Avenue. The North Carolina house will have a 15.6 foot rear yard, whereas a twenty foot rear yard is required. A rear yard variance will be required for this lot.

4. The subject lot is generally level ground and substantially rectangular in shape with no topographical problems limiting its use.

5. Individual neighbors at the public hearing, opposed the granting of the application. There were also petitions and letters in the file in opposition.

6. The Capitol Hill Restoration Society opposed the application on the grounds that there was no practical difficulty in the property itself such that two housing units could not be constructed in accordance with the Zoning Regulations, and that the proposed housing constituted a potential harm to the neighborhood by destabilizing property volume and overcrowding land.

7. Advisory Neighborhood Commission - 6B, by report dated December 7, 1977, opposed the application because there was no hardship and because the area residents were opposed to the project.

8. The Municipal Planning Office, by reported dated December 15, 1977 recommended that the application be denied.

CONCLUSION OF LAW:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty related to the property. The Board notes that the applicant seeks permission to construct three row houses which, if granted, would necessitate the granting of substantial variances. The Board further notes that the applicant can construct two houses which need no variances. The Board concludes that the subject property has no exceptional or other extraordinary conditions limiting construction and use as allowed in the R-4 District. The Board concludes that there is no practical difficulty stemming from the property itself

The Board concludes that the application cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. Accordingly, it is ORDERED that the application is DENIED.

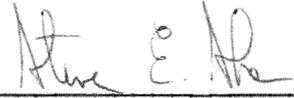
VOTE: 4-1 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Leonard L. McCants to deny, Chloethiel Woodard Smith to grant).

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

BZA Order No. 12547

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ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

27 JAN 1978