

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12765, of Perry and Leroy Dixon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Section 3101) and from the lot area and width requirements (Sub-section 3301.1) to permit the construction of two semi-detached dwellings in the R-1-B District at the premises 1921 and 1923 Hamlin Street, N.W. (Square 4210, Lots 27 and 28).

HEARING DATE: September 27, 1978
DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject premises is located in the R-1-B District and is known as 1923 Hamlin Street, N.E.
2. The predominant use in the area is single family detached dwellings.
3. The applicant proposes to construct two semi-detached dwellings on Lots 27 and 28.
4. The applicant requires a variance from the use provisions in order to construct a semi-detached dwelling in the R-1-B District since only detached dwellings are normally permitted in R-1-B. Semi-detached dwellings are first permitted in R-2 Districts
5. There are no exceptional or distinguishing characteristics about the property that would prohibit its use for a single family detached dwelling.
6. The Board recommended that the applicant prepare alternative plans, with respect to building two detached houses on the two sub-standard lots, which would require area variance only and would be more in keeping with the neighborhood.
7. By letter dated November 6, 1978, the applicant was advised to submit additional plans by November 30, 1978. No response was received from the applicant.

8. An abutting property owner testified in favor of the application.

9. Advisory Neighborhood Commission 5B was notified as to the application, but no recommendation was received.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that both use and area variances are requested herein. The Board further concludes that the applicants must therefore meet the ~~stricter~~ requirements for a use variance in order for the application to be granted. A use variance requires the showing of an undue hardship that arises from the property itself which would prohibit the applicant from using the subject property for a purpose for which it is zoned. The applicant has failed to establish such a hardship resulting from the property itself. The Board concludes that there are no exceptional or distinguishing characteristics about the property that would preclude its use for an R-1 purpose. The Board further concludes that the above application if granted would adversely impact upon the community by being out of character with the existing houses.

The Board notes that it invited the applicants to revise their plans to provide for detached houses on the two lots but that no response to the offer was received. Accordingly, it is therefore ORDERED that the application be DENIED.

VOTE: (Walter B. Lewis, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to DENY).

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

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

FINAL DATE OF ORDER: 30 JAN 1979