

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12823, of Bradford Pellet, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot area requirements (Sub-section 3301.1) to construct a row dwelling in an R-4 District at the premises 414 D Street, N.E. (Square 812, Lot 802).

HEARING DATE: December 13, 1978
DECISION DATE: January 10, 1979

FINDINGS OF FACT:

1. The subject property is located at 414 D Street, N.E., and is in an R-4 District.
2. The subject property is unimproved.
3. The applicant's lot is eighteen feet wide and eighty feet deep.
4. The applicant proposes to construct a row dwelling consisting of three full floors of living space on a slab on grade, no basement and with a garage.
5. The Zoning Regulations require 1800 square feet of lot area. The applicant will provide 1440 square feet. A variance of 360 square feet or twenty percent is required.
6. To the east of the subject property is a two story row house. It's lot is approximately sixty-eight feet deep and the dwelling is approximately thirty feet deep. To the west of the subject lot is a three story house with a porch. It's lot is approximately eighty feet deep and the dwelling is approximately thirty-five feet deep.
7. The proposed row dwelling will provide a forty foot rear yard which abuts an abandoned school.
8. The applicant was unable to produce records that the subject lot was unimproved in 1957. If he had been able to do so, he would have been permitted to construct the dwelling as a matter-of-right under the eighty percent rule.

9. The Office of Planning and Development had no recommendation but it had made a field check on the property. It found the subject lot was level and unimproved. There were townhouses on both sides of the subject lot that were similar to the one the applicant was proposing to build on this particular lot.

10. There was no opposition to the application.

11. Advisory Neighborhood Commission 6A filed no recommendation on the application.

CONCLUSIONS OF LAW:

The applicant seeks an area variance, the granting of which requires a showing of a practical difficulty that stems from the property itself. This practical difficulty is inherent in the depth of the lot. The row dwelling proposed is comparable to the neighboring dwellings which have lots less than eighty feet deep or 1800 square feet of lot area. The Board notes the lack of opposition to this application and the fact that the lot could not be put to any other reasonable use. It would stand idle and probably become a dumping ground for all kinds of litter. The District is in need of housing. The Board concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Ruby B. McZier and Leonard L. McCants to GRANT).

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

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

FINAL DATE OF ORDER: 15 FEB 1979

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.