

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12855, of Valley Southern Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.3) to construct a single family semi-detached dwelling in an R-5-A District at premises 1953 Valley Terrace, S.E. (Square 5905, Lot 62).

HEARING DATE January 24, 1979
DECISION DATE: February 28, 1979

FINDINGS OF FACT:

1. The subject property was advertised as located in an R-4 District. It is in an R-5-A District. The relief sought is the same. The required side yard is the same and the required variance is the same.
2. The subject triangular shaped lot containing 2,666 square feet of land area is located on the south side of Valley Terrace approximately 160 feet west of its intersection with Southern Avenue. It is known as 1953 Valley Terrace, S.E., and is in an R-5-A District.
3. The subject site is developed with a partially constructed semi-detached row dwelling of brick construction. The dwelling is one of the first twelve units out of ninety-nine proposed units to be constructed in the development called "Valley Woods".
4. The subject lot is triangular in shape.
5. By BZA Order No. 12170, dated July 19, 1977, the Board approved a revised set of plans, noted as Exhibit R-2, for the aforementioned new development. Plans for the subject site were approved by the Zoning Review Branch on May 12, 1978. A subsequent wall check of the site by the Zoning Review Branch disclosed a substandard side yard width for the subject dwelling.

6. The applicant desires to continue the development of adjacent lots without bringing the subject side yard into conformance with the Zoning Regulations. A variance is therefore requested. The subject site is required to provide an eight foot wide side yard. It is providing 5.72 feet. A variance of 2.38 feet is requested.

7. If the adjoining lots were to be subdivided to add more area to the subject lot, then the adjoining lots would have less area than the minimum required, and thus require variances.

8. The applicant testified that the variance is needed due to an inadvertent error in setting up the subject lot 62.

9. The subject side yard abuts the rear yards of three sub-divided lots that are not yet developed. The nearest proposed dwelling to the subject premises west wall is approximately forty-eight feet away.

10. The average width of the side yard is 12.36 feet. It is 5.72 feet only at its narrowest point.

11. The Office of Planning and Development, by report dated January 22, 1979, recommended that the application be granted on the grounds that the requested variance will not impair substantially the intent, purpose and integrity of the Zoning Regulations. The Board so finds.

12. Advisory Neighborhood Commission 8C made no recommendation on the application.

13. There was no opposition to the application.

CONCLUSIONS OF LAW:

The Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty stemming from the property itself. The subject dwelling is already constructed. The adjoining lots cannot be subdivided to bring the present lot into compliance without requiring variances for those lots. The miscalculation was an inadvertent error. The Board concludes that the practical difficulty is inherent in the property.

Given the lot's general compliance with the Zoning Regulations, the substantial distance between the subject premises and the nearest proposed dwelling to the west, the subject side yard's average width of 12.36 feet, and the minimal deviation from the regulations being sought, the Board further 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: 4-0 (William F. McIntosh, Chloethiel Woodard Smith, Theodore F. Mariani and Leonard L. McCants to GRANT, Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 APR 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.