

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12947, of Deanwood Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance allowing a subdivision of one lot into two lots not meeting the lot width requirements (Sub-sections 1302.2 and 3301.1) to convert a four unit apartment house into two single family row dwellings in an R-4 District at the premises 1165-67 Neal Street, N.E. (Square 4065, Lot 27).

HEARING DATE: June 13, 1979

DECISION DATE: June 13, 1979 (From the Bench)

FINDINGS OF FACT:

1. The subject property is located on the south side of Neal Street, between West Virginia and Montello Avenues, N.E. The site is in the R-4 District and is known as 1165-67 Neal Street, N.E.
2. Record lot 27 actually consists of two assesment and taxation lots, 800 and 801. That portion of lot 27 which is also known as lot 800 is the subject of this application.
3. Lot 800 is thirty-two feet wide, 150 feet deep, and contains 4,800 square feet of area. It is improved with a two story, four unit apartment building which is currently unoccupied.
4. Lot 801 is located to the east of the apartment building, is eighteen feet wide, 150 feet deep and contains 2700 square feet. It is vacant. Lot 801 is a conforming R-4 lot and no variances are required to construct a rowhouse or flat thereon.
5. The existing building on lot 800 covers the full width of the lot. The applicant proposes to subdivide the lot and convert the existing four unit apartment building into two single family row dwellings which will be sold for individual ownership.

6. Each of the proposed lots for the row dwellings would have 2,400 square feet of area and would be sixteen feet wide. The Zoning Regulations require a maximum of 1,800 square feet of area and eighteen feet in width for a row dwelling in an R-4 District. The applicant therefore requires a variance of two feet from the lot width regulations.

7. The area in which this site is located is predominately residential in use. Row dwellings predominate. There are, however, small apartment buildings scattered throughout the neighborhood. The R-4 District in this area extends from Gallaudet College to the west, Florida Avenue to the south, Bladensburg Road to the east and Mt. Olivet Road to the north.

8. The majority of the surrounding row houses are two stories high and are well maintained. Wheatly Elementary School is located at Montello Avenue and Neal Street and Holy Name School is located at West Virginia Avenue and Neal Street, N.E., Gallaudet College is located west of West Virginia Avenue.

9. The Office of Planning and Development, by memorandum dated June 7, 1979 and by testimony at the public hearing, recommended that the application be granted. The Office noted that the proposed subdivision will create two lots which will exceed the minimum lot area requirements of the R-4 District by one-third. The rear yards for each of the proposed dwellings will be nearly eighty feet deep. The only requirement that cannot be met is the eighteen foot lot width. The two lots will each be sixteen feet wide, a deficiency of only eleven per cent for each lot. The Office of Planning and Development reported that the creation of two, single family, owner occupied dwellings as proposed by this application will result in a use which is more in keeping with the character of the immediate neighborhood and in keeping with District policies which encourage home ownership than the former use. The OPD did not believe that the granting of this variance will result in any undue adverse impacts. The Board so finds. The Office of Planning and Development also recommended the applicant provide one off-street parking space for each of the proposed row houses.

10. The applicant testified that the presence of an alley at the rear and the depth of the rear yards made it possible to provide an off-street parking space for each lot and that he would do so. No parking is required for each dwelling, since the intensity of the use on the site is being decreased.

11. There was no report from Advisory Neighborhood Commission - 5B.

12. There was no opposition to the application.

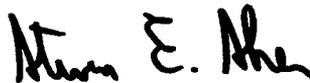
CONCLUSIONS OF LAW AND OPINION:

Based on the record and the findings of fact, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of the property. The Board concludes that the existing width of lot 800 and the presence of the existing building on the lot create such a practical difficulty. The Board concludes that the requested lot width variance is minimal, that all other requirements of the Regulations are being complied with, and that approval of the application would be in keeping with the existing character of the area and District policies to encourage home ownership. The Board concludes that approval of the application will not cause substantial detriment to the public good and will not substantially impair the intent and purposes of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the Application be GRANTED.

VOTE: 4-0 (William F. McIntosh, Chloethiel Woodard Smith
Leonard L. McCants and Charles R. Norris to GRANT;
Walter B. Lewis not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 14 AUG 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.