

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13018 of Samuel F. and Laura R. Howard, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot area requirements (Sub-section 3301.1) for a proposed subdivision and construction of a single family detached dwelling in an R-1-B District at the premises 1300 - 37th Place, S.E., (Square 5513, Lots 21 and 22).

HEARING DATE: August 15, 1979

DECISION DATE: August 15, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the southeast corner of the intersection of N Street and 37th Pl., S.E., in an R-1-B District. The premises are known as 1300 - 37th Place, S.E.

2. The subject property is 4,125 square feet in area, rectangular in shape and slopes slightly uphill from west to east.

3. The property is presently vacant, and is landscaped with grass and shrubbery.

4. The applicant proposes the construction of a two story detached brick single family dwelling.

5. The proposed development is in compliance with the lot width, lot occupancy, parking and rear and side yard requirements of the R-1-B zone district.

6. The property is surrounded to the north by N Street, followed by Fort Dupont Park, to the east by a single family detached brick structure that is owned and occupied by the applicants, to the south by the Pope Branch Park, and to the west by 37th Place followed by R-1-B zoned property that fronts on N Street.

7. The R-1-B zone district requires a minimum lot area of 5,000 square feet. The subject site provides only 4,125 square feet. Thus a variance of 875 square feet is required. No other variances are sought.

8. The subject site abuts parkland on its south side, fronts on parkland on its north side across N Street, and is twenty feet removed from the adjoining structure to the east.

9. The site presently is used as a side yard for the applicant's own dwelling. The applicant testified that due to the largeness of the combined site, the maintenance of the property has become a burden.

10. The Office of Planning and Development, by memorandum dated August 9, 1979 and by testimony at the hearing, recommended that the application be granted. The OPD reported that the proposed subdivision to allow construction of a single family detached dwelling will not cause substantial detriment to the public good. The variance would relieve practical difficulties resulting from the size and shallowness of the lot. The lot size is reasonably adequate for the dwellings proposed. The Board concurs in the findings of the OPD.

11. There was no written report of Advisory Neighborhood Commission 7B on this application.

12. There was no opposition to the granting of this application.

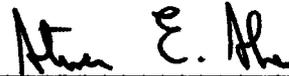
CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes, consistent with other similar cases, that no reasonable use of the two lots can be made without the granting of the variances, and that such a situation constitutes practical difficulty for the owner. The Board notes that these lots existed at the time of the adoption of the Zoning Regulations. The Board further concludes that, based on the specific set of facts presented, this proposed structure, bordering parkland on two sides and removed twenty feet from the adjacent structure, can be constructed 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 hereby ORDERED that this application is GRANTED.

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

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 9 OCT 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.