GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13104, as amended, of Phillip Gregory, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and lot width requirements (Sub-section 3301.1), side yard requirements (Sub-section 3305.1), rear yard requirements (Sub-section 3304.1), for a proposed subdivision and construction of four semi-detached dwellings in an R-2 District at the premises 900-906 - 47th Place, N.E., (Square 5151, Lots 40 and 39).

HEARING DATE: December 19, 1979
DECISION DATES: February 6, April 2 and October 1, 1980

FINDINGS OF FACT:

1. The subject site is located at the northwest corner of the intersection of 47th Place and Jay Street. It is known as 900-908 - 47th Place, N.E. and is in an R-2 District.

2. The subject site is rectangular in shape and is 115 feet by 57.50 feet. Lot 39 is improved with a single family residence. It is proposed to raze the dwelling. A fifteen foot wide public alley is located to the north of the site.

3. The application, as advertised, was for a proposed subdivision and construction of four row dwellings and one semi-detached dwelling. This proposal required two additional variances, permitting a subdivision of two lots into five lots not meeting the lot area and lot width requirements (Sub-section 3301.1) and a variance from the use provisions permitting row dwellings in an R-2 District (Sub-section 3102.3).

4. At the public hearing of December 19, 1979 the Board granted permission to the applicant to amend his application. The applicant now proposes to construct four semi-detached dwellings on the subject site.

5. The Zoning Regulations for an R-2 District require that the lot area measure 3,000 square feet, the lot width measure thirty feet, the lot occupancy be a maximum of forty percent, the side yard measure eight feet and the rear yard measure twenty feet.

6. In the subject property the premises known as 900 - 47th Place, N.E. would require a lot area variance of 987.58 square feet or 32.91 percent and the rear yard a variance of 7.25 feet or 36.25 percent.

7. The premises known as 902 - 47th Place, N.E. would require a lot area variance of 1,290 square feet or 46.33 percent, a lot width variance of two feet or 6.6 percent and a rear yard variance of 7.25 feet of 36.26 percent.

8. The premises known as 904 - 47th Place, N.E. would require a lot area variance of 1,390 square feet or 46.33 percent, a lot width variance of two feet of 6.6. percent and a rear yard variance of 7.25 feet or 36.25 percent.

9. The premises known as 906 - 47th Place, N.E. would require a lot area variance of 1,620 square feet of fifty-four percent, a lot width variance of six feet or twenty percent, a lot occupancy variance of seventy square feet of 12.68 percent, a rear yard variance of 7.25 feet of 36.25 percent and a side yard variance of four feet of fifty percent.

10. The applicant testified that the proposed development would be the best utilization of the land and the most economical.

11. Advisory Neighborhood Commission 7C made no recommendation on the application.

12. There was a petition, dated January 25, 1980, submitted to the record with thirteen signatures. The petition stated that the blueprints of the proposed homes had been reviewed and approved by the signers.

13. The Board at its public meeting of April 2, 1980, decided to grant the application, as amended. On July 2, 1980, the Board at the request of the staff, reconsidered its decision. The staff argued that there was no practical difficulty evident in the property, that the variances granted were too great and that approval of the application would not be in harmony with the intent and purpose of the Zoning Regulations for an R-2 District. The Board agreed and reconsidered its prior decision to approve the application. The Board, however, granted the applicant leave to submit new plans for the development of the site that would not require so many and so large variances. The applicant was further advised that if he submitted with plans they must be reviewed by the Zoning Administrator to determine what, if any, relief would be required of the Board.

14. On July 8, 1980 and September 4, 1980 the applicant was requested to submit the additional evidence requested by the Board. No further evidence was received.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board concludes that there is no practical difficulty inherent in the subject property. It is rectangular in shape. The practical difficulty stems from a proposal to overcrowd the site. The best utilization of land and economic reasons are not grounds for the granting of variances where the variances requested are so great. The Board further concludes that the application cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board notes that the applicant was given two further opportunities to amend the application. He failed to do so. Accordingly it is ORDERED that the application is DENIED.

VOTE: 4-0 (William F. McIntosh, Connie Fortune, Charles R. Norris 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: 11 DEC 1980

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."