

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13308, of Louise Thorpe, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area requirements (Sub-section 3301.1), the rear yard requirements (Sub-section 3304.1) and from the prohibition against allowing an accessory garage to be located in a side yard wherein the garage will be less than eight feet from the side lot line and less than ten feet from the building line (Sub-paragraph 7401.111) to construct a single family detached dwelling in an R-1-B District at the premises 2520 -30th Street, N.E., (Square 4356, Lot 25).

HEARING DATE: July 30, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located on the southwest corner of the intersection of 30th and Douglas Streets and is known as 2520 - 30th Street, N.E. It is in an R-1-B District.

2. The subject site is 3,562.50 square feet in area. It is improved with a garage. The applicant proposes to construct a single family detached dwelling of three bedrooms and a basement.

3. The proposed construction will require an area variance of 1,437.50 square feet or twenty-nine percent and a rear yard variance of nine feet or thirty-six percent. As to the garage to be located in a side yard the variance will be 7.25 feet or 90.62 percent from the side lot line and seven feet or seventy percent from the building line.

4. The applicant owns and resides in a dwelling on lot 24 which abuts the subject lot 25 to the north. Lot 24 and the subject lot 25 are identical in size. The garage on lot 25 belongs to the applicant. Both lots 24 and 25 resulted from a subdivision dated May 19, 1926.

5. The subject lot 25 is under a contract of sale.

6. If the subject variances were granted, it would result in two dwellings located on two sub-standard lots, lot 24 and the subject lot 25.

7. There was no opposition to the application at the public hearing or in the file.

8. Advisory Neighborhood Commission - 5A made no recommendation on the application.

9. The Board has had many occasions to entertain applications wherein construction of single family dwellings were proposed and the applicants sought variances from the lot area requirements and/or lot width and rear yard requirements. In the CARLINER case, application No. 12628 three lots were involved. One lot was improved with a dwelling and the other two lots were improved with a two car garage and concrete driveway. The second two lots were used as a side yard for the dwelling. The Board denied the application on the grounds that the result would be the creation of two non-conforming properties, and a smaller house and lot than those in the neighborhood. The Board noted that the subject three lots had been used as one. The lot area variance sought was 1,000 square feet and the lot width variance, two feet. In the MORELAND case, application No. 12920, the Board denied the application since it would result in an overcrowding of the land and would be out of character with homes in the neighborhood. A lot area variance of 671 square feet and a lot width variance of 30.04 feet was requested. In the ROUMEL case, application No. 12911, the Board denied the application since the variance requested were substantial and the end result would be the over-crowding of the site. A lot area variance of 1,234 square feet and a rear yard variance of seventeen feet was sought. In the WITENSTEIN case, application No. 12466, a lot area variance of 1,165.55 square feet was sought. The Board granted the application since the lot was a record lot prior to 1958, the lot could not be put to any other use and the proposed dwelling was in character with the other houses in the neighborhood. In the PINEY GLEN case, application No. 13200 the applicant sought a lot area variance of 185 square feet and a lot width variance of five feet. The Board granted the application on the grounds that the site conformed with other sites immediately surrounding it, it was a record lot prior to the date of the current Zoning Regulations and since there was a restrictive covenant the lot could not be put to any other use.

In the subject application, the variances requested are substantial. The subject lot 25 can and is put to another use. It is improved with a garage that services the dwelling on lot 24. Lot 25 serves as the rear yard of lot 24. Both lots are used as one lot.

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 upon the owner of the property that is inherent in the property itself. The Board concludes that there is no practical difficulty in the property itself. The subject lot is too small for the proposed construction. As stated in Finding No. 6 if the relief was granted, two sub-standard lots would result. The Board also concludes that the variances requested are substantial.

The Board notes that the subject lot 25 has been put to use for a purpose for which it is zoned. It is improved with a garage that services the dwelling on lot 24. Lot 25 serves as a rear yard to lot 24. The two lots are used as one. The Board further concludes that the relief cannot 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 DENIED.

VOTE: 3-0 (Connie Fortune, Charles R. Norris and Leonard L. McCants to DENY; William F. McIntosh 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: 24 NOV 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."