

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13509, of Anne P. Dorsey, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and width requirements (Sub-section 3301.1), the lot occupancy requirements (Sub-section 3303.1) and the side yard requirements (Sub-section 3305.1) to construct a detached dwelling in an R-2 District at the premises 111 - 46th Place, N.E., (Square 5138, Lot 15).

HEARING DATE: June 24, 1981
DECISION DATE: July 1, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-2 District on the east side of 46th Place between Central Avenue and Blaine Street, N.E.
2. The subject property is twenty-five feet wide by 97.5 feet deep. The property is vacant and unimproved.
3. The applicant proposes to construct a one story plus basement detached single family dwelling on the site. The subject dwelling will have a living room, dining room, kitchen and powder room in the basement, and three bedrooms and a bathroom on the first floor.
4. The R-2 District requires a minimum lot area of 4,000 square feet for a detached single family dwelling. The subject lot contains 2,437.50 square feet. The applicant thus requires a lot area variance of 1,562.5 square feet.
5. The R-2 District requires a minimum lot width of forty feet for a detached single family dwelling. Since the subject lot is only twenty-five feet wide a variance of fifteen feet is required.
6. A maximum lot occupancy of forty percent is permitted in the R-2 District. For the subject lot, the maximum building area is 975 square feet. The applicant proposes to occupy 1,100 square feet, thus requiring a variance of 125 square feet.
7. The proposed dwelling will have a four foot side yard on each side. If a side yard is provided, it must be at least eight feet wide. The applicant thus requires side yard variances of four feet on each side.

8. The applicant testified that she purchased the lot in order to construct a detached single family dwelling. She did not realize that no such dwelling could be constructed without approval of variances.

9. No dwelling can be constructed on the property without variances.

10. There are three vacant lots, identical in dimensions to the subject lot, to the south of the subject site, followed by a non-conforming apartment house. To the north is a single family dwelling. There are a large number of existing single family dwellings in the area built on smaller lot sizes than are now required.

11. There was no report in the record from Advisory Neighborhood Commission - 7D.

12. There was a petition in support of the application from residents of the area. One area homeowner appeared at the hearing in support of the application.

13. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the small size of the property does constitute such a condition. Strict application of the regulations would cause a practical difficulty for the owner, in that no use of the property could be made. The Board concludes that the requested relief can be granted 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 maps. It is therefore ORDERED that the application is GRANTED in accordance with the plans submitted marked as Exhibit No. 9.

VOTE: 5-0 (Charles R. Norris, Lindsley Williams, Connie Fortune, Douglas J. Patton and William F. McIntosh to GRANT).

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

