

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14554, of Frank P. and Margaret C. Murray, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against subdividing a lot resulting in two lots not meeting the lot width requirements (Sub-section 1302.2) and the lot width requirements (Sub-section 3301.1) to develop a single family dwelling on each lot in an R-1-B District at premises 3503 Livingston Street, N.W., (Square 1995, Lot 36).

HEARING DATE: February 18, 1987
DECISION DATE: March 4, 1987

1. The site, known as premises 3503 Livingston Street, N.W. is located on the north side of Livingston Street between Nevada Avenue and Broad Branch Road. The site is in the R-1-B District, which extends in all directions from the site.

2. The lot is irregularly shaped and comprises 11,427.2 square feet. The lot has a frontage of 93 feet along Livingston Street narrowing to a width of 67.16 at the rear. A 15 foot wide public alley is located to the rear of the site. A single family dwelling is under construction on the western portion of the lot.

3. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the Applicants are seeking variances from the prohibition against subdividing a lot resulting in two lots not meeting the lot width requirements (Sub-section 1302.2) and the lot width requirements (Sub-section 3301.1) to develop a single family dwelling on each lot.

4. The Applicants purchased lots 800, 814, and 816 of Square 1995 in 1985. The lots contained a combined total land area of 18,053 square feet. The Applicants subdivided the three lots to create two record lots, each with frontage on Livingston Street and alley access to the rear.

5. The subject lot (lot 36) was one of the lots created by the subdivision. The other lot created by the subdivision (lot 35) is west of the subject lot, and is being developed with a single-family house.

6. The practical difficulty which the Applicants identify is the large size of lot 36. The Applicants created this lot and any difficulty which its size causes.

7. The two lots that would result from the proposed subdivision would be irregularly shaped.

8. The western lot would have an area of 6,386.8 square feet, and an average width of 48.07 feet. The that when a lot is divided, the division shall be effected in such manner as not to violate any provision of the regulations for minimum lot width "applicable to said lot or any lot created". Sub-section 3301.1 requires a minimum lot width of 50 feet for the R-1-B District. The creation of the proposed lots would require a variance of 11.72 feet, or 23.44 percent, for the eastern lot, and 1.93 feet, or 3.86 percent, for the western lot.

9. By letter dated February 10, 1987, Advisory Neighborhood Commission (ANC) 3G reported to oppose the application. The ANC noted that nearby houses with less than 50-foot widths were built before the 1958 enactment of the Zoning Regulations.

10. Persons wishing to testify or submit letters to the record in favor of or in opposition to the application were given an opportunity to do so.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the Applicants are seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner, arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape, or topographical conditions, existing at the time of the original adoption of the current regulations. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section 1302.2 of the Zoning Regulations provides that when a lot is divided, the division shall be effected in such manner as not to violate any provision of the regulations for minimum lot width "applicable to said lot or any lot created". Sub-section 3301.1 requires a minimum lot width of 50 feet for the R-1-B District. The creation of the proposed lots would require a variance of 11.72 feet or 23.44 percent, for the eastern lot, and 1.93 feet, or 3.86 percent, for the western lot.

The Board concludes that the Applicants have not met the burden of proof. They have not demonstrated that the application meets the requirements of Paragraph 8207.11 of the Zoning Regulations. The Board further concludes that it has accorded the ANC the "great weight" to which it is entitled. It is hereby ORDERED that the application is DENIED.

VOTE: 5-0 (Lindsley Williams, Paula Jewell, William F
McIntosh Charles R. Norris and Carrie L.
Thornhill to deny)

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

ATTESTED BY: 
EDWARD L. CURRY
Acting Executive Director

JUN 23 1987

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 3101.1 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 CONSUMER AND
REGULATORY AFFAIRS.

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