

PUBLIC HEARING--Sept. 30, 1964

Appeal #7909 Brighton Company, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 7, 1964:

ORDERED:

That the appeal for a variance from the minimum lot width requirements of the R-1-A District to permit erection of two single-family dwellings at 1772 to 80 Verbena St. N.W., lot 813, square 2762, be granted conditionally:

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lots after subdivision will have a frontage of 70 feet each on Verbena Street and a depth of 120 feet each. The lots each contain 8400 square feet of land area. Appellant proposes to erect two detached dwellings on the site as per plans and elevations submitted.

(2) There are 19 lots on this south side of Verbena Street in this block of which 11 do not meet regulation requirements. There are 26 lots on the north side of Verbena Street in this block of which 20 do not meet regulation requirements.

(3) Appellant is unable to acquire additional land to make his lots conform to the present regulations.

(4) Appellant's lots as proposed compare favorably with other lots in the square and are of identical size of both adjoining lots as well as lots across Verbena Street. Nearly all of the lots on each side of this street are improved with dwellings.

(5) There was objection to the granting of this appeal registered at the public hearing.

OPINION:

The Board is of the opinion that development of this site by a single dwelling would unduly penalize the owner which, although a recent purchaser, is equitably entitled to all relief to which the previous owner of record might have been granted in a proceeding before this Board. What we are saying is that the statutory hardship runs with the land which, on the basis of the finding of facts above cited, justify fully the conclusion that the circumstances surrounding normal usage of the property are exceptional and unusual. In fact except for date of acquisition two dwellings might have been constructed as a matter-of-right since the lots more than meet the 80% width clause of applicable regulations and far exceed minimum area requirements of 7500 square feet under normal conditions. Further, the facts are conclusive that two dwellings properly designed are completely in harmony with the intent and purpose of these regulations, should be an asset to the community and consequently will have no adverse impact upon the value and stability of adjoining and nearby construction.

However, in order to insure that the kind of improvements on each of the lots will be in harmony with existing construction within the area, this Order shall be subject to the following condition:

- (a) Appellant shall submit revised plans and elevations which are commensurate with other dwellings in the neighborhood and each dwelling shall be different architecturally. These plans shall require approval of the Board prior to issuance of building permits.