

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--January 13, 1965

Appeal #8047 Raymond L. and Margaret C. Baker, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on February 9, 1965:

ORDERED:

That the appeal for a variance from the minimum lot area requirements of the R-3 District to permit erection of two single-family dwellings at 1659-1661 - 35th Street, N.W., lot 217, square 1291, be conditionally granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) The subject property has a frontage of 60 feet abutting 35th Street and 57.5 feet abutting Reservoir Road. It contains an area of 3450 square feet and is improved with an old two-story detached structure abutting the property lines of both streets at the northwest corner of the lot. This building is essentially square in shape with open space of 28.5 feet adjacent to the south and 26.4 feet adjacent to the east. The first floor of the building is used as a restaurant with an apartment dwelling above. Both uses are nonconforming.

(2) Appellant proposes to raze this structure, resubdivide the property into two 30 foot wide lots fronting on 35th Street and to erect thereon two three-story row house dwellings with inside garages opening onto 35th Street. The proposed dwellings will occupy the full width of the new lots and provide rear yards twenty three feet in depth. Under minimum lot standards applicable in the R-3 District 2000 square feet of lot area with a frontage of not less than 20 feet is required. As resubdivided each of the lots will contain 1725 square feet.

(3) Property directly opposite on the west side of 35th Street is unimproved and is a part of the grounds of a large Catholic institution known as the "Convent of the Sisters of the Visitation". On the north side of Reservoir Road also directly opposite, the subject property faces the side view of a row dwelling which conforms with the requirements of the R-3 District. The two lots which adjoin the subject site on the south and the two lots immediately adjoining the subject site on the east are each sub-standard with respect to both minimum lot area and minimum lot width. The lot areas of these four properties vary between a minimum of 880 and a maximum of 1826 square feet with lot widths varying between a maximum of 15.93 feet and a minimum of 13.83 feet.

(4) There was objection to the granting of this appeal registered at the public hearing. The contentions of objectors is that appellants should be given no relief but should be required, if they desire to raze the existing structure, to redevelop the property with one dwelling only, and that the two row dwellings proposed, being three stories in height, would tend to adversely affect the light and air of adjoining and nearby improved properties.

OPINION:

We find there is no substance to the contention of protestants that light and air of adjoining and nearby homes will be adversely affected, since appellant, may as a matter-of-right, develop this property to either of the side lot lines. In either case a rear yard at least 20 feet in depth must be provided.

The Board has carefully inspected this property and the surrounding area and concludes that the elimination of the nonconforming uses now existing would, by redevelopment of the site with two one family dwellings, provide upgrading of the neighborhood. In view of existing land values in this section of Georgetown, with established sales in excess of \$10.00 per square foot, we believe that the construction of only one building on the site with a land cost at approximately \$35,000.00, or more as the evidence would seem to indicate, would tend to result in a material over-building of the neighborhood. By over-building we mean that land cost dictates the construction of a pretentious single residence with a bulk substantially equivalent to the two residences proposed. Such a dwelling would be too large for the site area, thus creating an incompatible condition which is avoidable by a more realistic approach. Our visual inspection of the area leads us to the conclusion that the construction of two town houses meeting existing height and lot occupancy requirements, will provide improvements more in keeping with the present character and future development of this area and consistent with established values therein. Although not applicable under factual conditions submitted, the Board notes that the subdividing of this property into two lots more than meets the 80% exception applicable to minimum lot area standards.

It is our view that unusual and exceptional statutory hardship also exists in this case by reason of the sub-standard size of the four lots nearest the subject property, and since the two lots proposed will be larger in area than three of these adjoining lots, the relief can be granted as consistent with the intent and purpose of the zoning map and regulations. The Board believes, however, in order to provide site planning consistent with adjoining buildings to the south that each of the two buildings should be set back from the 35th Street property line. It is therefore ordered that:

- (a) Appellants buildings shall each be set back a distance equal to the set back provided on adjoining lot 816 and if necessary the building shall be reduced in depth so that a rear yard not less than twenty feet is provided.