

PUBLIC HEARING--February 17, 1965

Appeal #8051 Abraham Chaifetz, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on February 23, 1965:

ORDERED:

That the appeal for a variance from the minimum lot area requirements of the R-1-B District to permit erection of two detached single-family dwellings adjacent to 3148 Westover Drive, S.E., lots 98, 99 and 100, square 5662, be granted.

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

(1) Appellant's lots have a frontage of 105 feet on Westover Drive and depths of approximately 79 feet. The lots as subdivided will have frontages of 50 and 55 feet on Westover Drive and approximately 79 feet depths. The lots contain areas of 3950 and 3904.30 square feet of land which is approximately 50 square feet deficient on one lot and approximately 96 square feet on the other.

(2) Appellant's property was in single ownership on or before November 1, 1957 and therefore appellant is permitted to subdivide the property into lots meeting 80% of the area and width requirements set forth in Section 3301.1 of the Zoning Regulations, which in this instance would be 4000 square feet per lot. Appellant's lots meet the minimum lot width requirements. (Section 3301.1 requires under normal regulations 5,000 square feet of land area and 50 feet width of lots).

(3) The topography of the lot is steep with a slope of about 38% from the front down to the rear.

(4) An inspection of the plat book indicates that there are at least two dozen lots in this block of Westover Drive which are under-size in area and width and/or in area or width.

(5) There was objection to the granting of this appeal registered at the public hearing. The great majority of those in opposition were against any relaxation of zoning requirements and stressed the difficulties that would be encountered in making any use of the steep site.

OPINION:

The Board is of the opinion that appellant has proven exceptional and undue hardship inherent in the land resulting in undue hardship upon the owner. It is our further opinion that to limit the appellant to only one dwelling on this large property would result in peculiar and exceptional practical difficulties to or exceptional and undue

hardship upon the owner. If the original property contained only about 146 square feet more, the appellant could subdivide and erect two buildings as a matter of right.

We are further of the opinion that, in view of construction on both sides of this Drive with dwellings on sub-standard lots, that this relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps.