

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--March 17, 1965

Appeal #8115 Mr. and Mrs. Paul Fricks, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on March 24, 1965:

**ORDERED:**

That the appeal for a variance from the minimum lot area requirements of the R-3 District to permit erection of two row dwellings at 33 and 35 Bryant St. N.E., lots 21 and 22, square 3505, be granted.

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

(1) Appellant's lots have a frontage of 20 feet each on Bryant Street and a depth of 80 feet to a twenty foot wide public alley in the rear. Each lot contains an area of 1600 square feet of land.

(2) Present zoning regulations for the R-3 District require 2000 square feet of land area per lot and a width of 20 feet. Appellant's proposed lots are deficient by 400 square feet for each lot. The frontage of appellant's lots meet requirements of present regulations.

(3) Appellant' is unable to acquire additional land to make his lots conform to the present regulations. However, the lots terminate on a 20 foot wide public alley, which is 15 feet in width from this property to the west. Therefore, this difference in depth is the difference from a conforming lot.

(4) Appellant's lots compare favorably in width and area with other lots in the neighborhood.

(5) There was objection to the granting of this appeal registered at the public hearing. The contention of the objectors was that row dwellings would permit multiple family occupancy and further they object to dwellings which do not meet present standards of buildings now standing.

**OPINION:**

The Board is of the opinion that appellant has proven exceptional and undue hardship inherent in the land resulting in exceptional and undue hardship upon him. We are further of the opinion that the design and location of the improvements are in harmony with the existing construction within the block and their erection will have no adverse affect upon the value and stability of the district in which located.

The Board is further of the opinion that the contention of those persons in opposition is not substantiated by the facts.