

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING—October 13, 1965

Appeal #8399 Zelda McDermott, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 19, 1965:

**ORDERED:**

That the appeal for a variance from the minimum lot area requirements of the R-1-B District to permit erection of a dwelling on Van Buren Street between Harlan Place and Eastern Avenue, N.W., lot 827, square 3366, be granted.

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

(1) Appellant's lot has a frontage of 61.74 feet on Van Buren Street, depths of 82.38 and 126.01 feet and contains an area of 4890 square feet of land. The proposed building will meet all yards and occupancy requirements of the Zoning Regulations.

(2) Appellant was unable to acquire additional land to make his lot conform to the present regulations.

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

(4) The design and location of the improvement is in harmony with the existing construction within the block and its erection will have no adverse affect upon the value and stability of the district in which located.

(5) There was no objection to the granting of this appeal registered at the public hearing.

**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 the owner. We are therefore of the opinion that failure to grant relief will in this case result in taking of property without due process of law.