

Before the Board of Zoning Adjustment, D. C.

Public Hearing -- December 14, 1966

Appeal No. 9047 Edward W. Schultze, appellant

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on January 27, 1967.

EFFECTIVE DATE OF ORDER -- August 4, 1967

ORDERED:

That the appeal for a variance from the minimum lot area and width requirements of the R-1-B District and a Variance of the requirements of Section 7202 to waiver of parking requirements for two single family dwellings adjoining 5324-29 St. N.W., lots 27 and 28, Square 2290 be granted

FINDING OF FACTS:

- (1) Appellant's property is located in a R-1-B District.
 - (2) The Board inspected the property on December 12, 1966 and found it to be unimproved and wooded and having a steep drop of grade from street level. Other improved properties in the area appeared to be on lots with a frontage approximating forty (40) feet in width.
 - (3) Appellant purchased the property in October, 1966 to build single family dwellings and plans two such dwellings.
 - (4) There is a thirty (30) foot drop in the grade of the lot from the street. There is no rear alley for access to the subject property.
 - (5) The subject lots have a forty (40) foot frontage on 29th Street N. W. and a depth of 100 feet, each containing 4000 square feet.
 - (6) By letter dated December 20, 1966 (See Exhibit No, 14) appellant states that lots 27 and 28, Square 2290, were "deeded to J. Raymond and Gertrude Pope on February 27, 1952, recorded in Liber 12653 of Folio 225 and Liber 12666 of Folio 192. " The lots were recorded in 1937 and have remained in their present state since."
 - (7) Minimum lot dimensions for dwellings in the R-1-B District are 5000 square feet in area and 50 feet in width.
 - (8) Opposition to the granting of this appeal was registered at the public hearing.
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OPINION:

Although appellant's lots deviate from the requirements for lots in the R-1-B District, the Board concludes that the granting of this appeal will not be detrimental to the surrounding area, as other improved lots in the neighborhood are below the minimum lot dimensions of the present Zoning Regulations.

Further, we are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations, by reason of the topography of the property we find that appellant's property is such that parking spaces cannot be reasonably provided on the site. We hold that the failure to grant the subject appeal will result in the prevention of a reasonable use of the property as zoned. The granting will not adversely affect the use of neighboring property nor will it impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps.