

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- May 17, 1967

Appeal No. 9215 Daniel and B.C. Fendrick, appellants.

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 May 22, 1967.

EFFECTIVE DATE OF ORDER -- June 9, 1967

ORDERED:

That the appeal for a variance from the side yard and open court requirements of the R-2 District to permit subdivision of lot for two houses at 3823 and 3825 Legation Street, NW., lot 806, square 1858, be granted.

FINDINGS OF FACT:

- (1) The subject property is located in an R-2 District.
- (2) The property is improved with two single-family dwellings joined at the middle to form one structure. The dwellings are two-story frame dwellings.
- (3) The present lot has a frontage of 90 feet and a depth of approximately 150 feet. The lot contains approximately 13,488 square feet, and abuts a 15 foot public alley.
- (4) Appellants propose to subdivide the lot so as to have each structure situated on its own lot. A firewall will be erected at the point where the houses join each other.
- (5) After the proposed subdivision, the property at 3823 will have a 48 foot frontage and the 3825 property will have a 42 foot frontage on Legation Street.
- (6) There is only 5.2 feet between the 15 foot public alley and 3825 Legation.
- (7) The proposed division of the two houses and the lot will create an uneven center property line. Appellants state that this was done to avoid the necessity of moving the heating system, the electrical wiring and several windows in one of the houses.

(8) In addition, an open court will be created between the houses at the center and one of the structures will have a side yard of only 5.5 feet.

(9) Section 3305.1 provides that there be an eight (8) foot side yard for dwellings in the R-2 District.

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

OPINION:

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Zoning Regulations, that refusal to grant the relief requested will prevent a reasonable use of the property as zoned, and that the granting of this appeal will not adversely affect the use of neighboring property nor impair the intent, purpose and integrity of the zone plan.

Although appellants lots deviate from the side yard requirements for lots in the R-2 District, the proposed subdivision will conform in other respects to the zoning requirements for lots in the R-2 District.