Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 16, 1969

Appeal No. 10097 Paul E. Holmes, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of November 18, 1969.

ORDERED:

That the appeal for variance from the use provisions of the R-3 District to permit a flat at 4621 - 9th Street, NW., lot 72, Square 3014, be denied without prejudice.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.

2. The property is improved with a two-story and basement dwelling. The dwelling contains 9 rooms and is currently occupied as a flat.

3. Appellant proposes to establish and maintain use of the premises as a legally existing flat in accordance with Zoning Regulations.

4. Presently, two families occupy the premises; appellant alleges that the flat use dates back to the mid 1950's and that the dwelling was so constructed when purchased five (5) years ago.

5. It is further asserted by appellant that it would be uneconomical to use the subject building for a single family when there exists two self-contained units.

6. Affadavits submitted and received November 4, 1969, attest to use of the premises as a flat as far back as 1951.

7. No objection to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellant has not proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: Charles E. Morgan
CHARLES E. MORGAN
Secretary of the Board