

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - August 13, 1969

Appeal No. 10137 Herbert Lehner, 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.

EFFECTIVE DATE OF ORDER - Dec. 17, 1969

ORDERED:

That the appeal for variance from the requirements of Section 3301 requiring 900 square feet per unit for conversion of single family to a 4-unit apartment and variance from the requirements of Section 7201.3 to permit waiver of one off-street parking space at 412 Constitution Avenue, NE., Lot 804, Square 814, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District.
 2. The property is improved with a three-story single family dwelling which contains an apartment on each floor and has existed in this manner since prior to May 12, 1958.
 3. Appellant proposes to establish an apartment on each floor and in the basement for a total of four apartment units.
 4. The lot contains 1,640 square feet and has no alley to the rear.
 5. Appellant seeks to waive the required off-street parking inasmuch as there is no room on the lot and no access to the rear of the property.
 6. No objection to the granting of this appeal was registered at the public hearing.
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Appeal No. 10137
December 17, 1969
PAGE 2

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can 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.

This Order shall be subject to the following conditions:

- [a] No more than three (3) apartment units shall be provided.
- [b] Appellant shall be permitted to distribute said units on all floors including the basement.

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

ATTESTED:

By: 

CHARLES E. MORGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.
