

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING: April 15, 1970
May 13, 1970

Appeal No. 10370 Timothy O. Temple, 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 May 19, 1970.

EFFECTIVE DATE OF ORDER: August 25, 1971

ORDERED:

That the appeal for variance from the provisions of Section 3301 requiring 900 square feet per unit for conversion of flat into apartment house and waiver of two off-street parking spaces at 216 - 3rd Street, S.E., lot 808, Square 790, 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 dwelling which was formerly used as a two-family flat under Certificate of Occupancy number B-676709.
3. The Appellant proposes to convert the flat into an apartment house with the waiver of two off-street parking spaces.
4. The area of the Appellant's lot is approximately 1,431 square feet. The area of the unit in the basement is 630 square feet. The first floor unit is 394 square feet and the odd unit in the building will be 326 square feet. The fourth and fifth units would be 600 square feet each.
5. The size of the subject lot is less than required by the Zoning Regulations for the R-4 District, which requires 2,700 square feet of land in order to convert the property into a three-apartment unit.
6. There was opposition registered at the public hearing to the granting of the appeal. The Capitol Hill Restoration Society also registered objections to the granting of this appeal.
7. The Appellant appeared at the public hearing on May 13, 1970 and requested that the Board reconsider its previous opinion and allow four apartments in lieu of the three originally granted. The Appellant stated that they wanted an apartment in the basement because the basement has a separate entrance from the outside.

8. The Board, in Executive Session May 19, 1970, denied unanimously the Appellant's request for reconsideration of this Appeal.

OPINION:

We are of the opinion that the Appellant has proved 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 difficulty and undue hardship upon the owner. We are further of the opinion 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 Maps. Reference is made to the opinion of the Board forming part of the Order in Appeal 8631 for the statement of reasons of the Board for granting this and similar appeals.

This appeal shall be subject to the following conditions:

- (a) The appeal is granted for three apartments. One on each floor and none in the basement.

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

ATTESTED:

By: _____

GEORGE A. GROGAN
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.