

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- February 9, 1972

Application No. 11062 Quincy G. and Margaret D. Warren, appellants

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 June 7, 1972.

**ORDERED:**

That the application for a variance from the use provisions of the R-2 District to permit a flat at 4513 Meade Street, N.E., lot 92, Square 5155 be DENIED.

**FINDINGS OF FACT:**

1. The subject property is located in an R-2 District.
2. The property is presently improved with a two-story dwelling.
3. The appellant requests a variance from the use provisions of the R-2 District to permit a flat.
4. The appellant stated that no alterations or additions are proposed.
5. The building is presently used as a dwelling and is designed to accomodate two families and contains two household units.
6. The appellant stated that the building was purchased 7 years ago from a private individual and he has made no structural alterations or additions as the building is designed to accommodate two families containing three rooms, dining room, kitchen and bath on the first floor, four rooms, kitchen, dining room and bath on the second floor. Appellant alleges that if this variance is allowed, it would not change in any respect the character of the neighborhood.

7. Opposition was registered at the public hearing as to the granting of this application by the Deanwood Citizens Association. Their opposition was based on the fact that no flat is a matter of right and should not be allowed in a single-family area.

OPINION:

It is the opinion of the Board that appellant has not proved a hardship within the meaning of the Zoning Regulations as no evidence was submitted showing the length of time that the property has been used as a two-family flat. The Board, in making its determination in this case, gave great weight as to the effect on the neighborhood.

The Board considered the effect on the neighborhood as alleged by the citizens association and concluded that a two-family flat should not be allowed in the instant application.

We are of the opinion that the appellant has not proved 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.

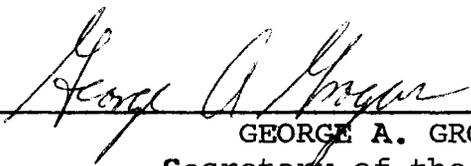
Further, we hold that the requested relief can not be granted without substantial detriment to the public good and with substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for cross-examination made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine, the Board is disposed to entertain a motion to re-open this case to permit cross-examination.

Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N.W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

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

ATTESTED:

By:   
GEORGE A. GROGAN  
Secretary of the Board

8-3-72