Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 29, 1972

Application No. 11172 Anthony Chambers, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried by a vote of 4-0, the following Order of the Board was entered at the meeting of January 23, 1973.

ORDERED:

That the application for a variance from provisions of Section 3301.1 requiring 900 square feet per unit to convert building from two (2) family flat to three (3) unit apartment at 1716 Kilbourne Place, N. W., Lot 47, Square 2600, be DENIED.

FINDINGS OF FACT:

1. Subject property is located in an R-4 District which is defined by the Zoning Regulations as an area of row-dwellings and conversions.

2. The property is at the present time being employed as a two-family flat; and it is applicant's proposal to add another apartment and make the present use into three apartments.

3. Pursuant to Section 3301.1, the applicant is required to provide 900 square feet per dwelling; in the present case applicant requests relief from this section and provide less than the requisite 900 square feet.

4. Testimony related to the Board at the public hearing that no parking is provided at the subject facility.

5. Applicant provided no evidence of hardship which this Board is obligated to have demonstrated to it by the applicant herein.

6. No opposition was voiced at the public hearing against the application and no letters in opposition were submitted to the file for this Board's consideration.

OPINION:

We have given lengthy consideration to the application for a variance in the present case and determined that the prerequisite requirement of establishment of unnecessary hardship to applicant is lacking; thus we have no authority to grant applicant the requested relief.

It is this Board's obligation to safeguard existing areas as they are zoned and to permit variances only where the proposal is necessary and best suited to a reasonable enjoyment of the subject property. We feel that applicant will merely be contributing to an already existing conjested area; this will not be tolerated.

Public interest necessitates that this Board remain accountable to its legislative mandate; in this case to grant the requested relief would frustrate that public obligation to the surrounding area.

We are of the opinion that 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 execptional 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: George A. Grogan

GEORGE A. GROGAN
Secretary of the Board

March 21, 1973