

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 13, 1972

Application No. 11220 Morris Benson, 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.

EFFECTIVE DATE OF ORDER -- March 21, 1973

ORDERED:

That the application for permission for a variance from the use provisions of the R-3 District to continue use as a two-family flat at 815 Delafield Place, N.W., Lot 164, Square 3010, be GRANTED.

FINDINGS OF FACT:

1. Subject property is located in an R-3 District which is defined by the Zoning Regulations as an area of row dwellings.

Applicant herein requests a variance from the R-3 zoning requirements to permit the continuance of a two family flat, pursuant to Section 8207.11.

3. The structure is a row building in a block which is all row houses; contain eight rooms and two baths and a half bath in the basement.

4. It is applicant's testimony that he purchased the above building approximately 15 years ago, it was a two family dwelling at that time, and he has no plans to make structural changes.

In essence there are two private complete apartments, each with two bedrooms, living room, kitchen and bath. And it is applicant's testimony that to convert the facility back to a single family dwelling would work an "undue hardship" upon him. This sudden misfortune would result for applicant in economic disaster.

6. No opposition was voiced at the public hearing, nor were any letters in opposition submitted to the file for the Board's consideration.

OPINION:

We have carefully reviewed the file in the case herein for a use variance pursuant to Section 8207.11 of the Zoning Regulations. We emphasize that applicant has a greater burden to carry forward to demonstrate to this Board that justification exists for the variance, and recognizes that applicant has so demonstrated.

This applicant purchased an already existing two-family apartment unit in an R-3 District and to oblige him to revert the facility to a one family dwelling would work an unreasonable and undue hardship upon applicant; this Board is not prepared to summon said reversion, and hereby grants the requested relief.

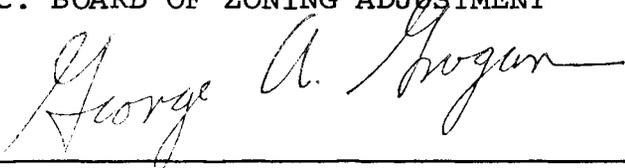
We are of the opinion that the appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

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.

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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.