

Before the Board of Zoning Adjustment, D. C.

Application No. 11439, of 2812 Wisconsin Avenue, Inc., for a variance from the side yard requirements of the R-5-C District to permit the erection of an apartment building at 2812 Wisconsin Avenue, N.W., Lots 49-55, Square 1930.

HEARING DATE: August 29, 1973

EXECUTIVE SESSION: September 11, 1973

FINDINGS OF FACT:

1. Applicant intends to erect a ten-story, 74 unit condominium apartment building.

2. Applicant asks permission to build the proposed structure from lot line to lot line, north to south on the subject lot.

3. Under the Zoning Regulations a multiple dwelling which does not share a common division wall with an existing building or a building being constructed together with the new building shall have a side yard on each free standing side.

4. The applicant seeks a variance from the side yard requirements in order that the future tenants of the proposed buildings may have a better view of scenery surrounding the property east and west.

5. The Cathedral Heights Association registered opposition at the public hearing.

CONCLUSIONS OF LAW:

We have reviewed the record in the case herein and have determined that justification for the granting of the requested variance is not warranted.

The Board is bound to adhere to the strict interpretation which the court set forth in Palmer v. Board of Zoning Adjustment; D.C. app., 587 A 2d 535 (1972). It must be shown that compliance with the area variance would be burdensome to the owner. In reviewing the evidence of hardship and difficulty presented by applicant, we find this is lacking.

The Board further concludes that applicant 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.

ORDERED:

That the request for a side yard variance be DENIED.

VOTE: 5-0

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

ATTESTED BY:



JAMES E. MILLER
Assist. Secretary
for the Board

FINAL DATE OF ORDER: **OCT 19 1973**