

Before the Board of Zoning Adjustment, D. C.

Application No. 11456, of Audrey B. McKibbin, pursuant to Section 8207.2 of the Zoning Regulations to change a non-conforming use as provided in Section 7104.2 of the regulations in a R-4 District located at 43 U Street, N. W., Lot 801, Square 3509.

HEARING DATE: September 19, 1973

EXECUTIVE SESSION: October 3, 1973

FINDINGS OF FACT:

1. The previous use of the property was that of a daily news substation which is a non-conforming use in the R-4 District, and first permitted in the C-1 District.
2. The applicant proposes to use property as a used furniture store which is first permitted in the C-2 District.
3. The property has two stories and a basement, the 2nd story is used as a residence.
4. The applicant proposes to use the first floor and basement as the used furniture store.
5. No opposition is registered.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the above application cannot be decided as a change in non-conforming use as the applicant requested. As prescribed by Section 7104.2 of the regulations, the Board can only change a non-conforming use to a use which is permitted in the most restrictive district in which the existing non-conforming use is less restrictive and not permitted in the most restrictive district in which the existing non-conforming use. The Board must view this application as a Use Variance under Section 8207.11 of the Zoning Regulations. The applicant has not proved the existence of a hardship which is required as a basis for the granting of a variance.

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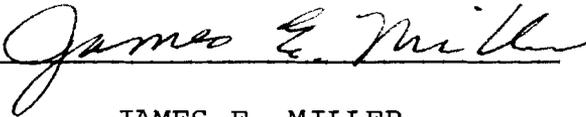
ORDERED:

That the above application be DENIED.

VOTE: 4-0 (Mr. Harps not present, not voting)

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

ATTESTED By: _____

A handwritten signature in cursive script, reading "James E. Miller", written over a horizontal line.

JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: MAR 04 1974