

Before the Board of Zoning Adjustment, D. C.

Application No. 11606 of David and Daisy Sanders pursuant to Section 8207.1 of the Zoning Regulations for a variance from the 900 square feet requirement of Section 3307.7 and a variance from off-street parking requirements of Section 7202.1 of the zoning regulations of the R-4 Zone, located at 3204 18th Street, N. W., Lot 113, Square 2606.

HEARING DATE: April 17, 1974
EXECUTIVE SESSION: April 23, 1974

FINDINGS OF FACT:

1. The applicant proposes to use the subject property as a five unit apartment house, which would require one off-street parking space.

2. The dwelling is located on the subject property is a two-story house with a basement and party walls on each side of the house.

3. The dwelling on the subject property covers the whole lot, leaving no room for off-street parking.

4. The applicant purchased the subject property from a previous owner who had a Certificate of Occupancy for a flat.

5. The applicant has applied for a new Certificate of Occupancy for five apartment units.

6. In order to maintain five apartments, the applicant would have to provide 45,000 square feet of lot area (900 sq. ft. per unit), however, existing dwelling contains approximately 7,600 sq. ft.

7. The subject property, located in the R-4 District, may be used as an apartment provided 900 square feet is provided for each apartment unit.

8. The applicant failed to submit any evidence regarding the existence of a practical difficulty or hardship as a basis for the requested variance.

9. The Mount Pleasant Neighborhood Council, represented by Mr. Ken Vallis, testified against the granting of this variance on the grounds that:

a. A five unit apartment house would increase the density of the neighborhood without allowing adequate living space for each apartment unit.

b. Five units would increase the need for parking which is already a problem in the neighborhood.

The Mount Pleasant Neighborhood Council further testified that the use of the subject property as a five unit apartment house would have an adverse effect on the neighborhood.

CONCLUSIONS OF LAW:

Based upon the above Findings, the Board concludes that the applicant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that the requested variance, if granted would have an adverse effect upon the neighborhood and substantially impair the intent of the zoning map and plan.

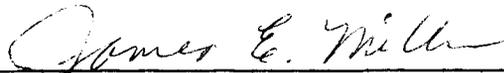
ORDERED

That the above application be DENIED.

VOTE: 5-0

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

ATTESTED BY:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: **MAY 31 1974**

Before the Board of Zoning Adjustment, D. C.

Application No. 11606 of David and Daisy Sanders pursuant to Section 8207.3 of the Zoning Regulations for a variance from the 900 square feet requirement of Section 3307.7 and a variance from off-street parking requirements of Section 7202.1 of the zoning regulations of the R-4 Zone, located at 3204 18th Street, N. W., Lot 113, Square 2606.

HEARING DATE: April 17, 1974
EXECUTIVE SESSION: April 23, 1974

FINDINGS OF FACT:

1. The applicant proposes to use the subject property as a five unit apartment house, which would require one off-street parking space.
2. The dwelling is located on the subject property is a two-story house with a basement and party walls on each side of the house.
3. The dwelling on the subject property covers the whole lot, leaving no room for off-street parking.
4. The applicant purchased the subject property from a previous owner who had a Certificate of Occupancy for one flat.
5. The applicant has applied for a new Certificate of Occupancy for five apartment units.
6. In order to maintain five apartments, the applicant would have to provide 45,000 square feet of lot area (900 sq. ft. per unit), however, existing dwelling contains approximately 7,600 sq. ft.
7. The subject property, located in the R-4 District, maybe used as an apartment provided 900 square feet is provided for each apartment unit.
8. The applicant fails to submit any evidence regarding the existence of a practical difficulty or hardship as a basis for the requested variance.
9. The Mount Pleasant Neighborhood Council, represented by Mr. Ken Vallis, testified against the granting of this variance on the grounds that:
 - a. A five unit apartment house would increase the density of the neighborhood without allowing adequate living space for each apartment unit.

b. Five units would increase the need for parking which is already a problem in the neighborhood.

The Mount Pleasant Neighborhood Council further testified that the use of the subject property as a five unit apartment house would have an adverse effect on the neighborhood,

CONCLUSIONS OF LAW:

Based upon the above Findings, the Board concludes that the applicant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that the requested variance, if granted, would have an adverse effect upon the neighborhood and substantially impair the intent of the zoning map and plan.

ORDERED:

That the above application be DENIED.

VOTE: 5-0

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

ATTESTED BY: 
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: **MAY 31 1974**

Before the Board of Zoning Adjustment, D. C.

Application No. 11606, of David & Daisy Sanders, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the 900 Square feet requirements of Section 3307.7 and a variance from off-street parking requirements of Section 7202.1 of the Zoning Regulations of the R-4 Zone, located at 3204 18th Street, N. W., Lot 113, Square 2606.

HEARING DATE: April 17, 1974

EXECUTIVE SESSION: April 23, 1974 - June 25, 1974

FINDINGS OF FACT:

1. The subject property is improved with a five (5) unit apartment house, three (3) stories in height, with a basement and party walls on each side of the house. It is located in an R-4 Zone.

2. Applicant is requesting permission to use the subject property as a five (5) unit apartment house and a waiver of one off-street parking space.

3. The building covers all of lot 113, leaving no room for off-street parking.

4. The applicants testified that the property was purchased in February of 1973. At the time of purchase the structure contained five (5) separate bedrooms, and five (5) full baths, and five (5) separate kitchens including refrigerators and gas stoves for which the gas supply pipes were in place.

5. Applicants testified that they applied for a certificate of occupancy for five (5) units.

6. At the time of purchase three (3) of the five (5) units were rented out. The remaining two units were vacant. A housing inspector visited the premises and told Mr. & Mrs. Sanders to buy stoves for the two (2) vacant units & have them connected. Mr. Sanders purchased the stoves but never had them connected.

7. In order to have five apartments, the applicant would have to provide 4500 square feet of lot area (900 square feet per unit) but, the existing lot dwelling contains only 1,615 square feet.

8. Applicants based their practical difficulty upon the fact that they purchased the property with the understanding that it could be used as a multiple dwelling, and they found the building to be completely equipped with plumbing, kitchen utilities and partitions to accommodate five (5) separate units.

9. The Mount Pleasant Neighborhood Council, represented by Mr. Ken Vallis, testified against the granting of this variance on the grounds that:

a. A five (5) unit apartment house would increase the density of the neighborhood without allowing adequate living space for each apartment unit.

b. Five (5) units would increase the need for parking which is already a problem in the neighborhood.

The Mount Pleasant Neighborhood Council further testified that the use of the subject property as a five (5) unit apartment house would have an adverse affect on the neighborhood.

10. Opposition further testified that two (2) units would be acceptable to them but they would not be opposed to three (3) units.

11. In view of the opposition expressed by residents of the area, applicants amended their application, with Board approval, to request three (3) units instead of five (5) units.

12. The Board issued an Order dated May 31, 1974 denying the above application for five (5) units.

13. Counsel for applicants filed a motion for reconsideration and/or rehearing on June 10, 1974 on the grounds that the application was amended at public hearing for three (3) units instead of five (5) and the Board made erroneous findings in its order.

14. Counsel confirmed the amendment in a letter to the Board and served upon the representative of the opposition.

15. Pursuant to Section 5.44 of the Rules of Practice and Procedure, the Board, at its Executive Session of June 25, 1974, voted to grant applicant's motion for reconsideration on the grounds that the applicants were granted an amendment to their application to request three (3) units instead of five (5) units.

a. In deciding the case the Board did not consider the above finding in its previous decision.

16. The Board takes notice of the fact that the subject property is located in the R-4 zone District which allows single-family dwellings to be converted to multiple unit dwellings with a 900 sq. ft. per unit requirement, Sections 3104 and 3307.7 of the Regulations.

17. Based upon the Board's experience in zoning matters, the Board finds that the majority of dwellings which have been constructed in the District of Columbia are not located on lots which provide 900 sq.ft. per unit in the case of a conversion from single-family to a multiple dwelling.

CONCLUSIONS OF LAW:

Based upon the above facts, the Board is of the opinion that the applicant has demonstrated the existence of a practical difficulty and an undue hardship to the owners of the subject property by reason of strict application of the Zoning Regulations as provided in Section 8207.11 of the Regulations. In light of the fact that the applicant purchased the subject property as a multiple dwelling which is a permitted use in the R-4, and because this board opinion that the 900 sq. ft. per unit requirement causes a practical difficulty to the applicant, the Board concludes that this application can be granted without impairing the purpose and intent of the Zoning Regulations and Map. The Board further concludes that the granting of this application for three apartment units (as amended at public hearing) will not be detrimental to the public good.

ORDERED:

That the above application be GRANTED FOR 3 APARTMENT UNITS.

VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting.)

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

ATTESTED BY:



JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: 8/6/74

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.