

Before the Board of Zoning Adjustment, D. C.

Application No. 11620, of John Spears, pursuant to Section 8207.11 of the Zoning Regulations for a variance from the use provisions of Section 3103 of the regulations to permit the continuation of a flat in the R-3 zone located at 4919 Kansas Avenue, N.W., Lot 83, Square 3252.

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

FINDINGS OF FACT:

1. The subject property is presently being used as a flat without a property certificate of occupancy.
2. The R-3 zone does not permit this use unless approved by the Board of Zoning Adjustment as a variance unless the use is.
3. Applicant made no showing that the subject property cannot be used **legally non-conforming** for its zoned purpose.
4. Applicant presented no facts regarding a hardship existing on his property to support the granting of a variance.
5. No opposition was registered.

CONCLUSIONS OF LAW:

Based upon the above Findings, the Board concludes that the requested variance cannot be granted, as a matter of law. The applicant failed to demonstrated a hardship within the meaning of the variance clause of Section 8207.11 of the Zoning Regulations, which would substantially impair the intent of the regulations if the requested relief were granted.

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

FINAL DATE OF THIS ORDER: 1974 4 23 1974