

Before the Board of Zoning Adjustment, D. C.

Application No. 11723 of Emanuel and Charlotte Levine pursuant to Section 8207.11 of the Zoning Regulations for a use variance to permit a real estate management in the R-5-A zone as provided by Section 8207.11 of the regulations at the premises 1758 Corcoran Street, N. W., Lot 64, Square 155.

HEARING DATE: October 16, 1974

EXECUTIVE SESSION: October 25, 1974

FINDINGS OF FACT:

1. The applicant requests a use variance to permit the use of the subject property as a real estate management office. The applicant resides at the subject property and rents four apartments therein.

2. The subject property is the home of the applicant, who owns and manages rental property along Corcoran Street, N.W. The applicant along with a partner manages thirteen (13) houses on Corcoran Street, N. W.

3. The applicant employs a Maintenance man and the partner in the management of the aforementioned property located on Corcoran Street, N. W., is employed by the partnership and conducts business related to the management of real estate at the subject property.

4. The subject property is located in the R-5-B Zone.

5. The subject property is frequented by occasioned visits by repairmen who are then escorted to the specific piece of rental property in need of repair.

6. The applicant owns and manages 40 apartments from the subject property.

7. The applicant asserts that a hardship exist as a basis for the granting of this application. The applicant stated that because of her age it is necessary for her to have an employee to assist her in the management and maintenance of the rental properties involved in this application.

8. The Board finds that the hardship claimed by the applicant as a result of strict application of the regulations is not related to topographical features or the structure located on the subject property, but is a personal hardship related to the applicants ability to manage other properties with the assistance of an employee.

9. The opposing parties to this application objected to the granting of the relief requested on the grounds that it would create a non-conforming use at the subject property which would run with the land. The opposition asserted that the proper zone district for the office activities carried on by the applicant is the commercial zone, one of which is located reasonably near the subject property.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings, the Board is of the opinion that the above application cannot be granted. While the applicant may be able to use the property as proposed without employees as a matter of right, the fact that she employs a person or persons to assist her in managing real estate, places her use of the property within the meaning of an office use which is not permitted in the R-5-B zone. Because the applicant failed to carry the burden of showing the existence of unusual circumstances which as a result of the strict application of the regulations cause a hardship which would deny her the beneficial use of the subject property, the Board concludes as a matter of law that the requirements of section 8207.11 have not been met. Therefore, the granting of this application would substantially impair the meaning and intent of the Zoning Regulations.

ORDERED:

That the above application be and is hereby DENIED.

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VOTE:

3-1-0 (Mr. Scrivener dissenting, Mr. Klauber not present,  
not voting)

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

ATTESTED BY:



JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: DEC 17 1974

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