

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11734, of Grace Hefferson, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the 900 square feet requirements of the R-4 zone to convert a flat to an apartment house as provided by Section 3301.1 at 209 3rd Street, S.E., Lot 27, Square 762.

FINDINGS OF FACT:

1. The subject property is located in the R-4 zone which permits conversions to a multiple dwelling, subject to the 900 square feet of lot area per unit requirement of Section 3303.1 of the regulations.

2. The lot in question consists of 2,160 square feet and the applicant proposes a conversion from a flat to a four (4) unit apartment building. Strict application of the Zoning Regulations would require the applicant to provide 900 square feet of lot area per unit or 3600 square feet per unit, therefore, the applicant requires an area variance of 1,440 square feet.

3. The subject property consists of two (2) buildings, located on one lot, the principal building is composed of three (3) floors, twelve (12) rooms, and the accessory building (carriage house) has two (2) floors with two rooms.

4. The applicant proposes to convert the principal building to a four (4) unit apartment house and convert the carriage house to a one apartment unit, as stated in his application.

5. The applicant testified that she purchased the property after relying on the seller's representation that she could use the property as an apartment house. Applicant further, testified that the property was purchased for that purpose.

6. At public hearing, the applicant amended her application to delete the request for use of the carriage house as habitable space. The applicant also stated at public hearing that she would like to convert the principal building into three (3) units.

7. The representative of the Capitol Hill Restoration Society moved that the Board postpone the hearing of this application because the applicant did not post her property timely, however, the Board finds that the party requesting the postponement had actual notice of the public hearing of this case as indicated by there testimony of record.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above Findings, the Board concludes that the applicant is confronted with a practical difficulty because the lot upon which she proposes to convert an existing structure to multiple dwellings dosen't provide 900 square feet of lot area per unit. It is the opinion of the Board, that the three (3) story building in question could reasonably be used for a three (3) unit apartment dwelling, without substantially impairing the intent of the Zoning Regulations. The Board concludes that the GRANTING of this application for three (3) apartment units would require a variance of 540 dwellings located in the R-4 zones do not provide such lot area that would strictly comply with conversions to multiple dwellings, the Board concludes that the applicant has complied with Section 8207.11 of the regulations.

ORDERED: That the above application be GRANTED, for conversion of the subject property to a three (3) unit multiple dwelling only.

VOTE: 3-1-0 (Mr. Klauber dissenting, Lilla Burt Cummings, Esq. abstaining, not having heard the case.)

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

ATTESTED BY: James E. Miller  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: NOV 27 1974

HEARING DATE: October 16, 1974

EXECUTIVE SESSION: October 25, 1974

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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.

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