

Before the Board of Zoning Adjustment, D. C.

Application No. 11936 of Channel House Limited Partnership, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the use provisions of the R-5-D Zone, to permit a dental office (part of 1st floor), as provided by Section 8207.11 of the Regulations at the premises 824 New Hampshire Avenue, N. W., Lots 3 and 811, Square 29.

HEARING DATE: July 16, 1975
DECISION DATE: August 6, 1975

FINDINGS OF FACT:

1. The subject property is located in the R-5-D zone and is presently used as a hotel.
2. The applicant proposes to locate a dentist office in the hotel on the first floor. This would entail the conversion of two (2) hotel suites from a residential use to an office use.
3. A dental office is not permitted in the R-5-D zone.
4. The applicant testified that the proposed use would not be objectionable to the neighborhood, and that most of his clients would come from the neighborhood.
5. The dentist who would use the office on the subject property does not reside in the hotel.
6. The attorney for the applicant stated that no hardship within the meaning of the zoning regulations exists to the owner of the subject property.
7. Opposition was registered to this application at public hearing.

CONCLUSIONS OF LAW:

Based upon the above findings of fact, and the record of this case, the Board is of the opinion that the applicant has not carried his burden of proving the existence of a hardship to warrant the granting of a "Use Variance" as provided by Section 8207.11 of the Regulations. The applicant failed to demonstrate that the subject property cannot be used for its zoned purpose by reason of some unique or unusual circumstance relating to the property on the structure thereon. In fact, evidence of record indicates that the proposed use would necessitate the conversion of a portion of the

subject property from an R-5-D use to an office use (SP).

The Board concludes, that without the demonstration of a zoning hardship by the owner of the subject property, the Zoning Regulations must be strictly applied, and that failure to do so, would impair the meaning and intent of the Regulations and Map.

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: 8/19/75