

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12057, of Elizabeth Price and Mary-Stuart Price Diefenbach, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 and Section 7109 to change a non-conforming use from a flat to three (3) apartments in the R-3 district at the premises 1320 - 35th Street, N.W. (Square 1227, Lot 93.)

HEARING DATE: January 21, 1976  
DECISION DATE: February 11, 1976

FINDINGS OF FACT:

1. The property is located in a R-3 district.
2. The property is developed with a two story plus basement structure. There are currently three (3) apartment in the building, one on each floor.
3. A Certificate of Occupancy for a flat, Number B-23749, was issued on August 26, 1960.
4. The property has been used as a three (3) apartment unit since at least October, 1957.
5. A flat is first permitted in a R-4 district. An apartment is first permitted in an R-4 district as a conversion with 900 square feet of lot area per unit. An apartment house is a special exception in a R-5-A, and first permitted as a matter of right in a R-5-B.
6. The lot contains 1190 square feet, is 17 feet wide and 70 feet deep.
7. The R-3 district normally requires a minimum lot area of 2000 square feet, and a minimum lot width of 20 feet.
8. The Citizens Association of Georgetown opposed the application, primarily on the grounds that the lot was overcrowded.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the application does not conform to Sub-section 7104.2, in that three unit apartment house would only be permitted in the R-4 district with a minimum lot area of 2700 square feet. The subject premises has only 1190 square feet. The most restrictive district in which this apartment would thus be permitted would be R-5. Sub-section 7103.1 specifies that R-5 is less restrictive than R-4, and Sub-section 7104.2 specifies that a "non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted". The Board also concludes that the use would adversely affect the present character of the neighborhood, by allowing an overly dense structure to continue. It is therefore Ordered that the Application be, DENIED.

