

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12241 of Cloves M. & Madonna W. McCullers, pursuant to Sub-section 8207.11 of the Zoning Regulations, for an area variance under Sub-section 3301.1. Applicants seek a variance from the lot area requirements per unit for their proposed use of the premises as an apartment house of four (4) units (first and second floors) in the R-4 District at 1821 North Capital Street, N.E., Lot 11, Square 3511.

HEARING DATE: December 15, 1976

DECISION DATE: December 21, 1976 (Executive Session)

FINDINGS OF FACT:

1. The subject premises are located in an R-4 Residential Zone.
2. Applicants intend to continue to use the premises for an apartment house consisting of four (4) units, first and second floors.
3. The only recorded certificate of occupancy, number B-46128, was issued July 6, 1964 for a flat (all floors).
4. Conversions to an apartment house containing three (3) or more units requires 900 square feet of lot area for each unit within the building.
5. Applicant's lot consists of 1,581 square feet.
6. When North Capital Street was widened (1961/62) applicants lost their front yard of approximately 50 feet.
7. When applicants purchased the subject premises it was being used as an apartment house of four units.
8. There was also some testimony to the fact that the present use of the premises was in existence prior to 1924 at which date no Certificate of Occupancy was required.
9. There was no opposition at the public hearing to this application.

CONCLUSION OF LAW:

Based on the record the Board finds that to deny the relief sought herein would result in exceptional and undue hardship upon the owners of the subject property. It further finds that granting the area variance could be effected without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. Accordingly, it is

ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Richard L. Stanton and William S. Harps)

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

ATTESTED BY: Arthur B. Hatton  
ARTHUR B. HATTON  
Executive Secretary

FINAL DATE OF ORDER: 2-18-77

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.