

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12472 of Millard R. Dean, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to permit an office building in the R-5-B District at the premises 1755 - 18th Street, N.W., (Square 153, Lot 814).

HEARING DATE: September 21, 1977
DECISION DATE: October 11, 1977

FINDINGS OF FACT

1. The subject property is located at 1755 - 18th Street, N.W. at the southeast corner of 18th and S Streets, N.W.
2. The lot has 40 feet of frontage on 18th Street and 52 feet on S Street and is improved with a three story and basement stone building. Originally the property consisted of three separate houses. The applicants tore down the house farthest from the corner to make a parking lot to serve themselves and the applicant's dental practice. The lot provides four parking spaces. The two remaining houses were combined into one large house.
3. The premises is presently being used as a residence (2nd and 3rd floors) and a dentist's office (1st floor), with a rented apartment in the basement.
4. The applicant is a dentist and is retiring. He seeks permission from the Board of Zoning Adjustment to use the structure for a mixed use, combining non-profit and professional offices as well as at least two apartments.
5. The applicant testified that the property has been on the market for sale as a single family residence since February, 1977 but that no offers to purchase were received. Applicant also testified that most prospective purchasers rejected the house because it was too large. Applicant further testified that several purchasers were interested but only for office uses.

6. The property is presently under contract of sale for use as offices of a non-profit organization and apartments conditioned upon the BZA granting the application.

7. In a R-5-B District, a broad range of residential uses is permitted, including single family dwellings, flats, apartments, rooming and boarding houses, hotels and private clubs.

8. The Midway Civic Association was in favor of the application.

9. The North Dupont Community Association and the Dupont Circle Citizens Association opposed the application on the grounds that there was no evidence of hardship stemming from the property itself that warranted a use other than that for which the subject property was zoned, and that an economic hardship would not support the granting of the variance.

10. Advisory Neighborhood Commission 2B voted not to take any action on the application.

11. There were petitions on file both in favor of and in opposition to the application.

CONCLUSIONS OF LAW

Applicant seeks a use variance, the granting of which requires the showing of a hardship. The Board concludes that the evidence fails to show a hardship that arises from the unique, extraordinary or exceptional conditions of the property itself. The Board further concludes that applicant has failed to establish that the property could not be used for other residential uses and thus conform to the residential purpose for which it was zoned. The Board concludes that the applicant has failed to demonstrate that he cannot make reasonable use of the property for any of the purpose permitted in an R-5-B District. The Board concludes that granting the relief sought would substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (John G. Parsons, William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

4 NOV 1977

FINAL DATE OF ORDER