

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12494 of Portia C. Bundy, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3102) to permit a flat in the R-2 District at the premises 1021 Hamlin Street, N.E., (Square 3875, lot 83)

HEARING DATE: October 19, 1977

DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located at 1021 Hamlin Street, N.E., and is in an R-2 District.

2. The subject lot is improved with a two story and basement brick row house and is presently being used as a single family residence.

3. The subject property is one of a row of similar houses on similar lots all constructed at approximated the same time.

4. The applicant and her two sister acquired the house two years ago from a now deceased brother. The house was deeded to the three sisters so that they could take care of the house and let the brother's daughter, who is on a limited income, and her two children remain there.

5. The applicant seeks permission from the Board to change the single family residence into a flat so that the said daughter could occupy one apartment and the second could be rented out for income that is needed for the upkeep of the property.

6. The applicant demonstrated no hardship other than the personal economic hardship she suffered as a result of not being able to rent an apartment in the building.

7. Opposition was raised to the granting of the application by adjoining owners to the subject property and other neighbors on the same block on the grounds that to grant the variance would change the character of the neighborhood from single family residences to multi-family residences, it would set a precedent, traffic and parking problems would be increased, property values would decline and there would be a possibility of an increase in crime if non-owners lived in property in the neighborhood.

CONCLUSIONS OF LAW:

The applicant seeks a variance from the use provisions, the granting of which requires a showing of hardship on the owner that stems from the property. The evidence reflects that applicants hardship is an economic hardship which is not a basis for granting the variance. The Board concludes that the subject property is not unique in any manner from the houses in the neighborhood. The Board further concludes that applicant has not established that the house could not be used for the purposes for which it is zoned. The Board notes that the applicant may have other remedies, through social service programs, to assist in dealing with the family's economic problems.

The Board concludes that to grant this variance could result in substantial detriment to the public good and would substantially impair 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 hereby DENIED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants)

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 NOV 1977