

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12511 of William Stallworth, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 5101) to permit a veterinary hospital in the C-1 District at the premises 4710 - 14th Street N.W., (Square 2706, Lot 49).

HEARING DATE: October 25, 1977

DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located at 4710 14th Street, N.W. and is in a C-1 District.

2. The subject lot is 1,800 square feet and is improved with a one story vacant structure whose interior space is approximately 1,700 square feet.

3. The subject property is one of a row of similar stores within a neighborhood commercial strip and is adjoined by a hardware store, liquor store, market, restaurants, barbershop, beauty salon and drug store.

4. The last Certificate of Occupancy for the subject property was for a pet supplies and retail gifts shop on the first floor and storage use on the basement level.

5. The applicant's intended lessee seeks permission to establish a veterinary hospital to be known as the Acacia Animal Hospital.

6. The lessee will employ three to five persons and the facility will operate from 8:00 a.m to 6:00 p.m., Monday through Saturday.

7. A veterinary hospital is first permitted as a matter-of-right in the C-2 District.

8. The applicant testified that he had not actively attempted to rent the subject property for uses which were permitted in a C-1 District.

9. There was a petition, signed by the adjoining store owners in favor of the application.

10. The ANC Commissioner from single member district 4c-03 supported the application since the majority of persons he contacted did not object. ANC 4C did not report on the application.

11. The Municipal Planning Office, by report dated October 21, 1977 and by testimony at the hearing, recommended that the application be denied on the grounds that the subject property is located within a commercial district where a reasonable commercial use can be made of the premises in a manner consistent with the existing zoning.

CONCLUSION OF LAW:

The applicant seeks a use variance, the granting of which requires a showing of a hardship arising out of the property itself. The Board is of the opinion that applicant's hardship is an economic one since the property has been unrented for months. An economic hardship alone is not a basis for granting the variance sought, without a showing that the property could not be used for some purpose permitted in a C-1-District. The Board concludes that there is nothing to distinguish this property from adjoining commercial properties, and that granting this variance would set a precedent for the whole block which should not be established. The applicant has not attempted to actually rent the property for the purposes for which it is zoned. There was no evidence that the property could not be used for its zoned purpose. Accordingly, it is ORDERED that the application is DENIED.

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

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

ATTESTED BY: Steve E. [Signature]

FINAL DATE OF ORDER: 29 NOV 1977