

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12607 of Elizabeth Curry Williams, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to permit professional offices in the R-5-C District at the premises 2016 Connecticut Avenue, N.W., (Square 2528, Lot 118)

HEARING DATE March 22, 1978
DECISION DATE: May 31, 1978

FINDINGS OF FACT:

1. The subject premises, located on the west side of Connecticut Avenue, between California Street and Wyoming Avenue was advertised as being in the R-5-D District. It was amended by the Chair at the Public Hearing to R-5-C. The Chair further ruled that the change was not material to warrant a postponement of the hearing of the application.

2. The subject lot has an area of 1,000 square feet and is improved with a three story row house.

3. The subject lot is adjoined by five row houses of similar size and design. The unit to the immediate south is vacant and is being converted to apartment use. A unit to the north at 2022 Connecticut Avenue is used as the Chancery of Iceland. The remaining dwellings are used for residential purposes, including private residences, hotels, condominiums and diplomatic uses.

4. The applicant purchased the subject premises conditioned upon the grant of the variance now being sought.

5. The applicant proposes to convert the subject property into an office building with at least seven offices.

6. The applicant contended that the property in its present state cannot be used for the uses permitted by the Zoning Regulations in the R-5-C District in that the subject property has an open stairway in the middle of the building instead of the side so that it cannot be made into apartments. In addition, there are three floors and a basement, each floor having two rooms. The bedrooms are on the second and third floors and the kitchen is in the basement. Accordingly the applicant contended that it is too large for childless families and to impractical for families with children. In addition, the applicant stated that with its nearness to the non-residential area of Connecticut Avenue the subject property is less attractive as a residence at the asking sales price of \$220,000.00.

7. The applicant has had the subject property on the market for one month. The asking price of \$220,000.00 reflects a sale not for a residence but of a building with professional offices.

8. The subject property is internally and externally the same as most of the residences on the subject block.

9. The Municipal Planning Office, by report dated March 17, 1978, recommended that the application be denied on the grounds that the property can be put to a reasonable use permitted under the Zoning Regulations. The Board so finds.

10. Advisory Neighborhood Commission 1D, by letter of March 23, 1978, recommended that the variance be denied since the subject neighborhood is highly desirable as a place to live and that the property could be retained for residential use. The Board concurs.

11. There was no other opposition to the application. A next-door owner was in favor of the application.

12. The Board granted the requests of the applicant to allow her to submit additional technical information on the building. No such information was ever received.

CONCLUSIONS OF LAW:

The Board concludes that the applicant seeks a use variance the granting of which requires a showing of a undue hardship stemming from the property itself. The applicant has failed to do this. To the contrary the Board concludes that the record shows that the applicant's property is identical to adjoining dwellings in the area and said dwellings are currently used for residential purposes, a purpose for which they are zoned. The only hardship demonstrated by the applicant is a financial one and one that applicant created by overpricing the subject property. The Board concludes that such a financial hardship is not the type of hardship to support a use variance. The Board concludes that the subject property can be used for the purposes for which it is zoned. The Board further concludes that it has given "great weight" to the issues and concerns of the ANC, and in fact has adopted the position of the ANC in denying the application. The Board further concludes that the variance cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to deny; Walter B. Lewis to deny by proxy).

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

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 23 AUG 1978