

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12619 of Grant and Pauli McClanahan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3103) to permit a flat in an R-3 District at the premises 2233 "Q" Street, N.W. (Square 2511, Lot 11).

HEARING DATE: March 22, 1978

DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located on the north side of "Q" Street, N.W. between 22nd and 23rd Streets and is in an R-3 District.
2. The subject site has an area of approximately 1,414 square feet. The lot is improved with a three story row house and in-house garage installed in 1960. The row house, built in 1890, has eight rooms, plus a kitchen and three bathrooms.
3. The 2200 block of "Q" Street contains a mixture of single family row houses, converted apartment units and an apartment building.
4. The applicant proposes to convert the first floor of the row house to a rental unit containing 660 square feet with a porch and garden, and occupy the remaining two floors. No exterior modifications to the building would accompany the conversion.
5. The basic hardship upon which relief is sought is that the applicants are on fixed retirement income and cannot afford the cost of mortgage amortization, maintenance and escalating real estate taxes. The applicants have indicated specifically that over the past year the real estate taxes have doubled to an amount in excess of \$2,000. It is proposed that the income generated from the rental use of one unit will cover the increased housing cost and concurrently provide the retired applicants a means by which to remain in residence.

6. The Municipal Planning Office, by report dated March 17, 1978 recommended conditional approval of the application on the grounds that after considering the proposed use in light of the mixed use residential character where apartment units predominate, the Municipal Planning Office did not anticipate that approval of the application would adversely affect the neighborhood or substantially impair the purposes and intent of the Zoning Regulations. It was recommended that the application be approved subject to the applicant being able to satisfy the Board with respect to the matter of hardship and in the context of any comments that the Advisory Neighborhood Commission would desire to make.

7. There were letters of record from immediate neighbors recommending both the approval of the application and denial of the application. Those in favor of the application stated that the proposed change would have no adverse affect on the subject small neighborhood of about a dozen houses which reflected a mixed use residential character. Those opposed to the granting of the application stated that single family residences predominate on the subject street and must be preserved; that such houses were in great demand and could be sold without difficulty, that there was no economic reason why the houses should be converted to smaller units and that singly family occupancy in this block has encouraged maintenance and improvement of the houses.

8. Advisory Neighborhood Commission - 1D reported that it received no clear consensus of opinion among the citizens attending its March 22, 1978 meeting. The Commissioners voted to oppose the application on the grounds that there was more than one neighbor in opposition to the application whereas ANC had first believe the situation to be otherwise; that there was the possibility that the applicants might rent both apartments on Q Street and spend some time in their apartment in London and in fact be absentee landlords, a situation that has created bad situations in the past; that granting the application would encourage more requests of this nature which could well lead to the rezoning of the area and fourthly, that financial hardship does not constitute a valid reason for granting a variance.

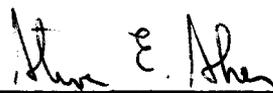
CONCLUSIONS OF LAW:

The Board concludes that applicants are requesting a use variance the granting of which requires a showing of undue hardship arising from the property itself. The Board concludes that the exceptional and undue hardship alleged by the applicant is an economic one, personal to the applicant. Such an economic hardship is not a proper basis for the granting of a use variance. The applicants have further demonstrated no hardship related to the property itself, and have further not specified to the Board anything exceptional, extraordinary or unique about this lot. The Board also concludes that it is required to give "great weight" to the issues and concerns of the ANC, which in this case has recommended against the granting of this application. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-2 (Walter B. Lewis, William F. McIntosh and Leonard L. McCants to deny, Chloethiel Woodard Smith and Charles R. Norris to grant)

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

**25 APR 1978**