

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12720 of Ruth V. Rhodes, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to permit the use of all floors of the subject premises as an office in the R-4 District at the premises 1362 Kenyon Street, N.W. (Square 2848, Lot 43).

HEARING DATE: August 23, 1978

DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the south side of Kenyon Street between 13th and 14th Streets, N.W.

2. The site is approximately 2,471 square feet in land area, is rectangular in shape and is improved with four story brick row dwelling. The last Certificate of Occupancy, issued October 27, 1970, was for an apartment house consisting of six units, all floors and basement.

3. The subject property is located approximately 300 feet from the 14th Street commercial district. The surrounding land uses are row dwellings and apartment houses to the north, south, east and west of the subject property.

4. The subject property is presently vacant having been gutted due to a recent fire. The applicant now proposes to use the property for office uses on all floors.

5. There is nothing extraordinary, exceptional or unique about this property to distinguish it from other similar buildings on surrounding property.

6. Limited office use is permitted with Board approval in the SP District. In the CR,W,C-1,C-2,C-3,C-4,C-5,CM and M districts, any office use is permitted as a matter-of-right.

7. The Zoning Regulations state that the only office use allowed as a matter of right in an R-4 district is that of a physician or dentist residing on the premises.

8. The applicant testified at the public hearing that due to her blindness, she cannot operate an apartment house any longer because there is too much supervision involved and that an office building would be easier for her to manage.

9. Advisory Neighborhood Commission 1A was notified of the public hearing on this case by letter of July 21, 1978. There was no recommendation made.

10. The Municipal Planning Office by memorandum of August 18, 1978 and by testimony at the hearing recommended that the application be denied, on the grounds that approval of this application would conflict with the residential quality of development along Kenyon Street and would be inconsistent with the intent and purpose of the Zoning Regulations and maps. The Board so finds.

11. There was no opposition to this application.

CONCLUSIONS OF LAW:

The applicant is requesting a use variance, the granting of which requires the showing of extraordinary or exceptional situation or condition of the specific piece of property creating an undue hardship upon the owner. Based on the record the Board concludes that the property does not have any exceptional topographic characteristics nor is its rectangular shape peculiar compared to the adjacent lots in the neighborhood. The hardship must stem from the property. The Board concludes that the personal physical hardship of the applicant will not sustain the granting of a variance from the use provisions. The Board further concludes that this property can be use for the purpose for which it is zoned and that an office use would be inconsistent with the Zoning Regulations.

The Board further concludes that the granting of this application would result in substantial detriment to the public good and would

substantially imapai the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED THAT the application is DENIED.

VOTE: 3-1 (William F. McIntosh, Chloethiel Woodard Smith, and Theodore F. Mariani to Deny; Charles R. Norris to grant, Leonard L. McCants not voting not having heard the case)

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 OCT 1978