

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12770, of Beatrice Ginsburg, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 6101) to use the second floor of the subject premises as a flat in the C-M-2 District at the premises 316 Randolph Place, N.E. (Square 3571, Lot 18).

HEARING DATE: October 18, 1978

DECISION DATE: October 18, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of Randolph Place between 3rd Street, N.E. and the Baltimore and Ohio Railroad, and is known as 316 Randolph Place, N.E.

2. The site is rectangular in shape, consists of 5,000 square feet of land area and is developed with a two story brown brick building with a flat roof and driveway.

3. Surrounding land uses include, the Capital Chemical Industry to the north and east, the Lemuel A. Penn Career Development Center of the D.C. Board of Education to the south and row dwellings in the R-4 District to the west.

4. A flat is first permitted as a matter-of-right in the R-4 District and last allowed as a matter-of-right in the C-4 District.

5. The C-M-2 District is intended to provide sites for heavy commercial and light manufacturing activities. New dwellings are not permitted in this District.

6. The applicant proposes to use the subject premises as a commercial use on the first floor and residential on the second floor.

7. The first floor of the subject premises is occupied by the office of MacBattle Enterprises, Inc. which is a Janitorial Supply Company. The second floor is divided into two apartments.

8. These residential units have existed for over forty years. They have been in use since the applicant purchased the property thirty-one years ago. At present one unit is occupied by a tenant of eight years. The other unit is being renovated and was occupied by a tenant for thirty-one years.

9. The subject premises which appears to have been constructed for residential use abuts residentially zoned property on its west side.

10. The Municipal Planning Office, by report dated October 2, 1978 recommended that the application be approved on the grounds that the proposed use can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Maps. The Board so finds.

11. Advisory Neighborhood Commission 5C was contacted about the application. No recommendation was received.

12. There was no opposition to the case.

CONCLUSIONS OF LAW:

The requested variance is a use variance, the granting of which requires the showing of an undue hardship related to the property itself. The Board notes that the building was originally built for residential use on the second floor, and that the second floor of the building has been used for over thirty years for residential purposes. The Board concludes that these facts make it unreasonable to require that the second floor be used for industrial or commercial purposes and that to deny the application would preclude reasonable use of the second floor.

The Board concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

Accordingly, it is ordered that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, John G. Parsons, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to GRANT).

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

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

FINAL DATE OF ORDER: 29 NOV 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.