

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12831 of 907 and 909 T Street Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a tenement house, all floors and basement to a flat, basement one unit and first, second and third floors one unit in a C-M-1 District at the premises 907 T Street, N.W., (Square 361, Lot 801).

HEARING DATE: December 20, 1978
DECISION DATE: January 10, 1979

FINDINGS OF FACT:

1. The subject property is located on the north side of T Street approximately sixty-five feet west of its intersection with 9th Street, in a C-M-1 zone District at the premises 907 T Street, N.W.

2. The site is 1,474 square feet of land area with a street frontage of 17.6 feet. The site is topographically flat and rectangular in shape.

3. The property is developed with a three story brick building that is presently vacant. The building is attached to a similar building on the west.

4. The vacant premises was last used as a tenement house pursuant to Certificate of Occupancy No. B-50315, dated September 27, 1966. Tenement houses are no longer a permitted use in the District of Columbia.

5. The applicant proposes the use of the subject premises as a flat. The basement will be a self contained unit, with the second unit consisting of the first, second and third floors.

6. The subject property is surrounded to the north by the rear yards of row dwellings that front on 9th Street, to the east by the rear yards of row dwellings and to the west by a vacant dwelling, all of which are in the C-M-1 District. To the south across T Street are row dwellings in the R-4 District.

7. The majority of the land uses within 200 feet of the subject premises are residential. There are no commercial or industrial uses adjacent to the premises. There is residentially zoned land and improved property to the north, east and west and south of the subject premises.

8. A tenement house, which is no longer a permitted use, when permitted, was first allowed as a matter of right in the R-5 District, pursuant to Paragraph 3105.33 of the Zoning Regulations. A flat is a use first permitted in an R-4 District.

9. Pursuant to Sub-section 7104.2 of the Zoning Regulations a Class II non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted, if approved by the Board of Zoning Adjustment.

10. This property was built for, intended for and has always been used as residential property. The property does not architecturally lend itself to any industrial or commercial use.

11. The Municipal Planning Office by report dated December 5, 1978, recommended approval of the application on the grounds that the majority of land uses surrounding the subject premises are residential, that there are no commercial or industrial uses adjacent to the property nor are there any commercial or industrial land uses close enough to the subject premises to be objectionable because of noise, view, odor or vehicular traffic. The Board so finds.

12. There was no report from Advisory Neighborhood Commission 1B on this application.

13. There was no opposition to the granting of this application.

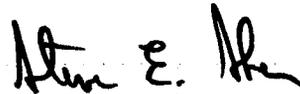
CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the requested change of non-conforming use can be granted pursuant to Sub-section 7104.2. The Board concludes that given the subject premises' past history of residential use, the compatible surrounding land uses, and the unlikelihood that the proposed flat would be adversely affected, the continuation of the property as a residential use will not adversely impact surrounding property. The proposed use will not adversely affect the present character or future development of the neighborhood, and would generally be in harmony with the general purpose and intent of the Zoning Regulations. It is therefore ORDERED that this application is hereby GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Chloethiel Woodard Smith to grant; Ruby B. McZier and 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
Executive Director

FINAL DATE OF ORDER: 23 FEB 1979

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.