

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13302 of Samuel Steve, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to use the first and second floors of the subject premises as a real estate office in an R-4 District at the premises 1736 North Capitol Street, N.W. (Square 3105, Lot 84).

HEARING DATE: July 23, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of North Capitol Street, between Randolph and S Streets, N.W. and is known as 1736 North Capitol Street N.W. It is in an R-4 District.
2. The subject site is 66.666 feet deep and 16.667 feet wide. It is rectangular in shape. The site is improved with a two story and basement row dwelling.
3. The applicant purchased the subject property on October 4, 1979 on a resale basis. It was vacant. Its prior use was as a single family residence.
4. The applicant proposes to use the first and second floors of the subject premises as his real estate office. The basement has been converted to a two bedroom apartment.
5. The applicant testified that the lease on his previous office space had terminated.
6. The applicant testified that he did not think the subject street was feasible for residential living because of the heavy traffic. He further testified that the proposed real estate office would offer a service to the neighborhood.
7. There was neither opposition nor support of the application at the Public Hearing or in the file.
8. Advisory Neighborhood Commission 2C made no recommendation on the application.

9. Other than the above findings no further evidence was addressed at the Public Hearing. There was no testimony or evidence that the property was affected by any extraordinary or unusual situation or condition, or that the applicant would suffer a hardship if the Zoning Regulations were strictly applied.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a variance from the use provisions which requires a showing of a hardship upon the owner of property which is inherent in the property. The Board concludes that the applicant has failed to establish the element of hardship and that the property cannot be used for the purpose for which it is zoned. The Board notes that the property is rectangular in shape and has a history of being used as a single family residence. The Board further notes that the applicant has put the basement to residential use. The Board further concludes that the relief 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: 4-0 (Walter B. Lewis, Connie Fortune and Charles R. Norris to deny, William F. McIntosh to deny by proxy, Leonard L. McCants not present not voting).

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

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

FINAL DATE OF ORDER: 31 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."