

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13652 of Teddi Campbell, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3104.3) to use the first and second floors of the subject premises as professional offices in an R-4 District at the premises 1243 New Jersey Avenue, N.W., (Square 555, Lot 126).

HEARING DATE: January 20, 1982

DECISION DATE: February 3, 1982

FINDINGS OF FACT:

1. The subject site is located on the southeast corner of the intersection of New Jersey Avenue and N Street, N.W. and is known as 1243 New Jersey Avenue, N.W. It is in an R-4 District.

2. The subject site is approximately 1,159 square feet in area and is improved with a three-story semi-detached dwelling which is presently vacant.

3. To the south and east of the subject site in the same square are row dwellings in the R-4 District. To the north is the Brooks Stadium in the R-4 District and to the west across New Jersey Avenue is a fire station, institutional and residential uses in the R-4 District.

4. The applicant proposes to use the first and second floors of the premises for professional offices.

5. The applicant testified that after renovating the subject property in 1979, she had not been able to find renters to occupy the premises as a residence due to the higher rent requested which was not commensurate with rents in the neighborhood. Therefore, the applicant alleged that a change from the residential to office use is needed for economic and security reasons.

6. The applicant testified that during the period the property was being offered for rent, it had been vandalized and that she could not economically afford to renovate the property again as a residence.

7. The applicant further stated that she had had requests to utilize the subject premises for law offices and that a non-profit organization located across New Jersey

Avenue had expressed a desire to utilize the property for office space. The applicant did not respond to the inquiry of the non-profit organization.

8. Klaus Klatt, architect, testified for the applicant that the building in question is structurally sound and has historic significance. He further stated he would not advise his client to upgrade the property a second time to only have it vandalized again.

9. The subject property is located in the Shaw School Urban Renewal Plan Area. The urban renewal plan under the general land use plan designates the subject property for low density residential use of one and two-family dwellings.

10. The R-4 District does not allow the proposed professional office use, which is first permitted in the SP-1 District. A variance from the use provisions of the R-4 District is required.

11. The Office of Planning and Development by report dated January 13, 1982 recommended denial of the application. The OPD reported that it did not find any extraordinary and exceptional conditions related to the physical characteristics of the property that would prevent use of the property as permitted under the R-4 District. The variance request is based on the personal economic and financial considerations of the applicant which are not a proper basis for the granting of a use variance. The OPD further reported that the proposed use is inconsistent with public policy under the Shaw School Urban Renewal Plan. The Board concurs with the findings and recommendations of the OPD.

12. Milton Hoffman, a citizen with experience in real estate as an agent and investor in the city, testified as to his experience in having a building renovated for residential use on Massachusetts Avenue, S.E. Such testimony had no bearing on the subject application.

13. No one appeared in opposition to the application.

14. There was no report from Advisory Neighborhood Commission 5C.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a variance from the use provisions, the granting of which requires a showing through substantial evidence of a hardship upon the owner arising out of some extraordinary or exceptional condition in the property so that the property cannot be used for a purpose for which it is zoned. The Board concludes that such a hardship does not

