

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14506 of Sadie Murphy, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3101.3) to use the premises as offices for Executive Security, Inc. in a R-1-B District at premises 2922 Pennsylvania Avenue, S.E., (Square 5546, Lot 1).

HEARING DATE: November 19, 1986  
DECISION DATE: January 7, 1987

FININGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of Pennsylvania Avenue and 30th Street and is known as premises 2922 Pennsylvania Avenue, S.E. It is zoned R-1-B.
2. The subject site is triangular in shape and slopes gradually downhill to the north.
3. The site is developed with a single-family detached dwelling with walk-out basement which is currently occupied as a residence.
4. The site is surrounded by residentially zoned and developed properties in the R-1-B and R-5-A Districts. The closest commercially zoned property to the site is located in the C-2-A District at Pennsylvania and Minnesota Avenues and in the C-1 District at Pennsylvania and Branch Avenues. Both of the noted commercial areas are located approximately three blocks from the subject site.
5. The applicant proposes to sell the subject property to Executive Security, Inc. for the purpose of providing administrative office space. A variance from the use provisions is therefore required.
6. The proposed facility would provide office headquarters for Executive Security, Inc. Approximately six to eight persons would be employed at the subject site. The security officers employed by Executive Security report directly to their work site and do not visit the subject site on a regular basis.
7. The applicant testified that the property was affected by extraordinary and exceptional conditions due to the extremely heavy traffic volume on Pennsylvania Avenue

and existing topographic conditions resulting in the shifting of the soil on the subject site requiring several extensive reshoring and foundation restabilization efforts on the existing structure.

8. At the applicant's request the Board left the record open to receive reports from the applicant's contractor and engineer to support the applicant's statements regarding the topographic problems at the site. No such reports were submitted by the applicant.

9. There was opposition to the application at the public hearing and of record.

10. By letter dated October 24, 1986 and a representative at the public hearing, Advisory Neighborhood Commission 7B opposed the granting of the application. ANC 7B was of the opinion that the applicant did not meet the burden of proof necessary for the granting of a use variance. The Board concurs with the opinion of the ANC.

11. The Office of Planning, by memorandum dated November 7, 1986, recommended that the application be denied. The OP was of the opinion that the property is not affected by any unique or exceptional condition which would create an undue hardship in its continued use as a viable single family residence in accordance with the existing R-1-B District. The Board concurs with the recommendation of the OP.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires proof of a hardship which is inherent in the property itself. The Board concludes that no such hardship exists as evidenced by the current use of the property as a single-family dwelling. No probative evidence was presented that the existing use of the property could not continue. The Board notes that the applicant carries the burden of proof in presenting its case. In this case, the applicant offered to submit evidence of the condition of the property to support the requested use variance. However, no such submission was made. The Board, therefore, concludes that the applicant has not met the burden of proof necessary for the granting of a use variance.

The Board further concludes that the requested 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 be DENIED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny; John G. Parsons to deny by proxy).

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

ATTESTED BY:



EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

UNDER 11 DCMR 3103.1, "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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order/DEE4