

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16450 of Cynthia and Harold Brooks**, pursuant to 11 DCMR, 3107.2 (new section 3103.2), for a variance from the use provisions of Section 201.1 for a proposed alteration and conversion of an existing one-family dwelling to allow a two-family flat in an R-1-B zone District at premises 1215 Hamilton Street, N.W. (Square 2930, Lot 53).

**HEARING DATE:** April 21, 1999  
**DECISION DATE:** April 21, 1999 (Bench Decision)

**DISPOSITION:** The Board dismissed the application by a vote of 4-0 (Betty King, Anthony J. Hood, Sheila Cross Reid, and Jerry Gilreath).

**DISMISSAL ORDER**

This Decision and Order arise from a request of Cynthia and Harold Brooks for a variance from the use provisions of Subsection 201.1 for a proposed alteration and conversion of an existing one-family dwelling to allow a two-family flat in an R-1-B zone District at premises 1215 Hamilton Street, N.W. (Square 2930, Lot 53).

**PRELIMINARY AND PROCEDURAL MATTERS**

1. The zoning relief requested in this case is by a zoning memorandum from the Division of Zoning of the Department of Consumer and Regulatory Affairs that specifies the zoning relief required by the Applicants.
2. The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4C and to owners of property within 200 feet of the site.
3. The site that is the subject of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application.

**FINDINGS OF FACT**

1. The property that is the subject of this application is in an R-1-B zone District at premises 1215 Hamilton Street, N.W. (Square 2930, Lot 53), and in the jurisdiction of ANC 4C.

The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, minimum lot width of 50 feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

2. The Applicants requested a variance from the use provisions of Section 201.1 for a proposed alteration and conversion of an existing one-family dwelling to a two-family flat in an R-1-B zone District.
3. At the public hearing on April 21, 1999, the Applicants were not present, but delegated Mr. Luther Bruner, the architect of the same project, to represent them. Mr. Bruner testified that his application for converting the single family dwelling to a two-family flat was turned down by the Zoning Administrator because the R-1-B zoning of the site does not permit the conversion of single-family dwellings into flats. As a result his client applied for the zoning relief to enable the project to proceed.
4. Mr. Bruner stated that he was not familiar with variance applications and the Zoning Regulations requirements for granting variances. The Chairperson pointed out to him that, according to 11 DCMR 3119.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish a case for a variance from the strict application of the requirements of 11 DCMR Subsections 2001.3, 403.2, 404.1, 406.1 and 2101.1.
5. Mr. Bruner explained that he were unaware of the requirements and that he was not given adequate time to prepare proper information regarding the procedures. He requested a continuance to allow him time to prepare for the case.
6. Ms. Maureen Young, a representative of ANC 4C testified in opposition to any continuance of the case. She stated that the Applicants were given adequate and proper notice of the hearing and they chose not to be at the hearing themselves, but sent an architect that was not prepared to proceed with the case.
7. Ms. Young testified that work had begun at the site without any permit and that a stop work order had been issued on the project. She argued that the conversion has subjected the residents of the building and the neighborhood to unsafe conditions. She informed the Board that the conversion has caused electrical and drainage problems for the residents. She urged the Board to dismiss the case.

### **CONCLUSIONS OF LAW AND OPINION**

Based on the foregoing findings of fact and evidence of record, the Board concludes that the Applicants were seeking a use variance to convert an existing single-family dwelling into two flats in an R-1-B zone District.

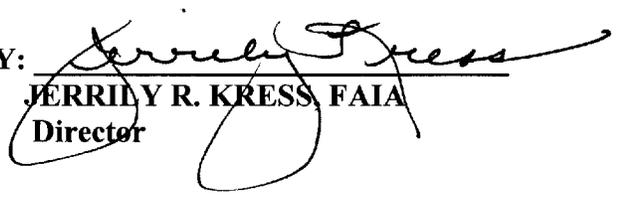
The Board noted that there was no evidence introduced into the record indicating that an exceptional or extraordinary situation exists that is related to the property, which causes an undue hardship for the owners in complying with the Zoning Regulations.

The Board concurred with the ANC that the Applicants were properly noticed but they did not appear before the Board to make their case for the use variance. Accordingly, the Board **DISMISSED** the case.

**VOTE:** 4-0 (Betty King, Anthony J. Hood, Sheila Cross Reid, and Jerry Gilreath, to dismiss).

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

ATTESTED BY:

  
A handwritten signature in black ink, appearing to read "Jerridy R. Kress", is written over a horizontal line. Below the line, the name "JERRIDY R. KRESS, FAIA" and the title "Director" are printed in a serif font.

JERRIDY R. KRESS, FAIA  
Director

NOV 24 2000

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

UNDER 11 DCMR 3125.9, "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."

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



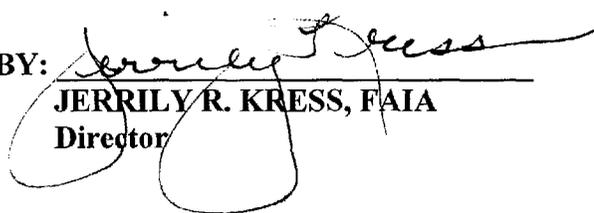
**BZA APPLICATION NO. 16450**

As <sup>NOV 24 2000</sup> Director of the Office of Zoning, I hereby certify and attest that on \_\_\_\_\_ a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mr. Luther R. Bruner, Jr. Architect  
752 Park Road, N.W.,  
Washington, D.C. 20010-1518

Willie Flowers, Chairperson  
Advisory Neighborhood Commission 4C  
WMATA BUS BARN  
P. O. BOX 6087  
Washington, D.C. 20039

Michael Johnson, Zoning Administrator  
Department of Consumer & Regulatory Affairs  
941 North Capitol Street, N.E., Room 2000  
Washington, D. C. 20002

ATTESTED BY: 

**JERRILY R. KRESS, FAIA**  
**Director**

VCE