

PUBLIC HEARING--Sept. 30, 1964

Appeal #7916 Maude H. Phillips, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 7, 1964:

ORDERED:

That the appeal for a variance from the use provisions of the R-1-B District to permit four-unit apartment building lieu of two units at 801 Aspen Street, N.W., lot 21, square 2969, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot, which is located at the northwest corner of 8th and Aspen Streets and in the R-1-B District, has a frontage of 70 feet on Aspen Street and a depth of 140 feet along 8th Street. The lot contains an area of 9800 squarefeet of land.

(2) Appellant proposes to divide the first floor to provide additional unit and establish two additional baths. There is one bath on first floor at present and one second floor. As proposed appellant would provide three apartments on the first floor and one on the second floor.

(3) This property is located in the heart of the R-1-B District which extends for many blocks in all directions with the exception of the R-5-B District frontage on Georgia Avenue approximately one and one-half blocks removed to the east. The area is predominantly improved with detached single-family homes in accordance with the existing zoning.

(4) There was strong opposition to the granting of this appeal registered by residents living within a two block area of this property. Neighbors, Inc. also opposes the granting of this appeal.

(5) Appellant submitted to the Board a copy of a certificate of occupancy stating that this is a nonconforming two-family dwelling.

(6) Appellant submitted two letters in favor of the granting of this appeal at 803 Aspen Street and 6810 - 8th Street, N. W.

OPINION:

From the evidence and records adduced at the hearing, appellant was unable to prove and the Board was unable to find by reason of exceptional narrowness, shallowness or shape of the property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, that the strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property. In this instance the lot is normal in all respects being rectangular in shape and is improved with a building designed as a dwelling.

We are of the further opinion that to grant permission to convert this building into two additional apartment units cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.
