

PUBLIC HEARING--Nov. 25, 1964

Appeal #7986 Veterans of Foreign Wars of the U. S. appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on December 1, 1964:

**ORDERED:**

That the appeal for a variance from the use provisions of the R-5-B District to permit unrestricted office use of basement, 4th, 5th and part of third floors at 200 Maryland Avenue, N.E., lot 845, square 757, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) This Board on September 5, 1957, after public hearing held on August 20, 1957, granted an appeal #4843 to permit the Veterans of Foreign Wars of the U.S. to erect this five-story office building as a philanthropic organization which was a use permissible on that date. The use is now nonconforming under new regulations approved May 20, 1958. The organization was chartered by Congress and among its objects and purposes it perpetuates memorials of our dead and assists veterans and orphans and widows of veterans, said serves being free of charge to veterans.

(2) Appellant has been requested by the Federal Government to seek a variance in order to utilize excess space in the building for such uses as the President's Railroad Commission; the President's Commission on Status of Women; the President's Task Force on Management Relations; automatum training; the Bureau of Employment and Compensation Office of Civil Defence. Most of these Committees have Congressmen and Senators serving on them. Appellant stated at the hearing that the building contains 30,500 square feet of floor area and that they desire permission to utilize approximately 11,000 square feet for these organizations.

(3) Appellant contends that the proximity of the building to the Senate, Supreme Court and Capitol buildings makes it convenient for Members of Congress. Further, that their present authority permits it to be used only by the VFW and its auxiliary.

(4) All printing for approximately 1,300,000 subscribers of its National Magazine is done elsewhere.

(5) There was no objection to the granting of this appeal registered at the public hearing. Several property owners; the National Womens' Party and many Members of Congress have endorsed the appeal.

**OPINION:**

This is an appeal based upon statutory hardship which if granted requires an affirmative finding by this Board that by reason of exceptional narrowness, shallowness, or shape of the specific property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or

condition inherent in the property, the strict application of the regulations create the exceptional and undue hardship envisioned by the law. The Board would also be required to find that the relief could 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. In this case there was not one scintilla of evidence which would tend to support such a finding by the Board..Factually there are many thousands of nonconforming uses in the District of Columbia all of which in varying degrees are subject to limitations of use which either restrict or preclude certain specified use, extensions, or alterations to the property involved. This property falls within this general category and it must be our finding that no hardship as envisioned by the ~~code~~ statute in fact exists, and further, that the granting of a variance in this case would tend to invite a multiplicity of appeals for similar type of treatment, the result of which would be complete planning breakdown and a direct violation of the intent and purpose of this section of the law.

We are, however, sympathetic with the problems of the appellant in this proceeding and note that the organization is free upon proper appeal to this Board to request the use of unneeded or excessive existing office space by organizations which are similarly qualified under the regulations. Such a proceeding would be in the nature of the extension of the nonconformance throughout the building.