

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING—February 17, 1965

Appeal #8057 Anthony Carozza, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Scrivener dissenting the following Order was entered on February 17, 1965:

**ORDERED:**

That the appeal for a variance from the use provisions of the R-2 District to permit erection of apartment building adjoining 4630 Hillside Road, S.E., lots 84, 85, 86, 87 and 88, square 5362, be granted.

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

(1) This Board under date of March 24, 1954, appeal #3781, approved an appeal by this same appellant to erect four four-family apartments on this property. The Board in that Order found:

(a) Appellant's five lots have a frontage of approximately 100 feet on Hillside Road and contain an area of 14,530 square feet. With the exception of these lots the entire north frontage of Hillside Road between Benning Road and 46th Street is developed with apartment buildings. These apartment building were erected at a time when the zoning was Residential, 40' "A" Area which permitted their construction.

(2) On January 22, 1944 this square, along with other property in the general area, was rezoned from Residential, 40' "A" Area to Residential, 40' "A" Restricted Area, which rezoning precluded as a matter-of-right the erection of additional apartment buildings and restricted the use of the land to detached single family dwellings. (NOTE: This property is now zoned R-2 which restricts the property to the erection of one-family semi-detached dwellings).

(3) Appellant now desires to erect two 2-story apartment buildings containing eight apartments in each building, which erection will complete the row of apartment buildings on the north side of Hillside Road between Benning Road and 47th Street. The proposed buildings will be the same size and of the same appearance architecturally as existing buildings. (NOTE: Appellant now proposes to erect one apartment building with 21 units in accordance with R-5-A zoning and with twenty-two parking spaces in the rear thereof. The building will be three stories in height).

**OPINION:**

The Board in the previous appeal ruled that a hardship existed in the land by reason of the development in this block and that the requirement to erect single family dwellings would result in undue hardship as envisioned by the variance clause of the regulations. The Board further found that the construction would not be inharmonious with the neighborhood.

Inasmuch as conditions have not materially altered since the original approval, the Board is of the opinion that this hardship still exists and again approves the appeal.