

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--March 17, 1965

Appeal #8090 Leon A. Tashof, Trustee, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on March 24, 1965:

**ORDERED:**

That the appeal for a variance from the provisions of Section 3301.1 of the Zoning Regulations requiring 900 square feet of land area per unit, and for a variance from the lot occupancy requirements of the R-4 District to permit a three-story rear addition, and for a variance from the provisions of paragraph 7204.1 of Zoning Regulations to provide one parking space in addition to that required not meeting the minimum size requirements in conversion of existing row house to three unit apartment building at 137 North Carolina Avenue, S.E., lot 48, square 735, be denied.

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

(1) Appellant's lot has a frontage of 17 feet on North Carolina Avenue, depths of 93.99 and 98.15 feet to a public alley in the rear. The lot contains an area of 1633 square feet of land and is improved with a row dwelling. Buildings on either side of the property are on line with the rear of this building.

(2) Appellant proposes to erect a three-story rear addition which will extend 13 feet to the rear of the two abutting properties. He also desires to provide two parking spaces at the rear of the property 8.5' x 20' which do not meet the width requirements of Section 7204.1 of the Zoning Regulations. He also requests permission to convert the building from a two-family flat to three apartments which would require 2700 square feet of land whereas the lot contains 1633 square feet which is 1067 square feet deficient in lot area. The proposed addition would also create an over-occupancy of the lot.

(3) There was objection to the granting of this appeal registered at the public hearing which was based on the fact that the alley is too narrow particularly at one end and that the proposed addition will affect adversely conditions of light and air to adjoining properties. The Capitol Hill Southeast Citizens Association and the Capitol Hill Restoration Society also oppose the granting of this appeal. There were letters on file in favor of the granting of this appeal.

**OPINION:**

From the testimony and evidence adduced at the hearing the Board was unable to find and appellant was unable to prove that by reason of exceptional narrowness, shallowness, or shape of the specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation of the specific piece of property, that the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner.

It is the opinion of the Board that the variance requested will not be an improvement to the neighborhood and would over-crowd the lot and also affect adversely conditions of light and air, particularly to the adjoining property owners. We are also of the opinion that the contention of the objectors is substantiated by the facts.

In view of the above it is our opinion that the relief 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.