

PUBLIC HEARING--April 14, 1965

Appeal #8137 Abraham Danzig, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on May 17, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-2 District to establish a two-family flat at 808 Tuckerman Street, N.W., lot 108, square 2977, 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) Appellant's lot, which is located in the R-2 District, has a frontage of 30.25 feet on Tuckerman Street, a depth of 57.5 feet to a 15 foot wide public alley in the rear. The lot contains an area of 1801 square feet and is improved with a two-story semi-detached dwelling, being one of a row of such dwellings in this block of Tuckerman Street.

(2) This R-2 zoning extends for many blocks to the east and south and approximately two block north is located an R-1-B District which is for detached single-family dwellings. Appellant's property is removed approximately one and one-half block from the C-2 frontage of Georgia Avenue. This entire R-2 District within this neighborhood is developed in accordance with the Zoning Regulations, i.e. semi-detached single family dwellings.

(3) Appellant's building has two complete kitchens, one on the first and one on the second floors. He testified at the hearing that he had been advised that the building could be legally rented as two apartments. In April 1962 or 1963 when his children moved he rented the apartment on the second floor and lived on the first floor. He further stated that the second kitchen was in existence when he purchased the property in 1945.

(4) An inspection of the records indicate that no certificate of occupancy has ever been issued for the apartment usage.

(5) There was considerable opposition to the granting of this appeal registered at the public hearing. This objection was predicated upon the contention that to permit a two-family apartment building would result in similar requests; would lower the present residential standards of the area of one-family homes and tend to depreciate property values.

OPINION:

It is our opinion that appellant has failed to prove a case of hardship within the meaning of Section 8207.11 of the Zoning Regulations as the property in question is normal in all respects having no exceptional narrowness, shallowness, shape, topography or any other extraordinary or exceptional situation or condition. The records of the District of Columbia indicate that

this use is in violation of the Zoning Regulations as no certificate of occupancy has ever issued. Appellant has now requested the Board to condone a violation of the Zoning Regulations for the R-2 District, which is for single-family use, by permitting the use of this property as a two-family flat.

It is our further opinion that this relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan as embodied in the Zoning Regulations and map. The Board has no alternative but to deny the appeal.

The Board is also of the opinion that the contention of those persons in opposition to the appeal is substantiated fully by the facts.