

PUBLIC HEARING--June 16, 1965

Appeal #8204 P. L. Gerachis, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on June 22, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-2 District to permit use of building for professional offices for doctors and dentists at 4917 - 42nd Street, N.W., lot 51, square 1737, be denied.

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

(1) Appellant's lot has a frontage of 25 feet on 42nd Street, a depth of 100 feet to a ten foot wide public alley at the rear. The lot contains an area of 2500 square feet and is improved with a two-story detached dwelling. There is also a ten foot wide public alley along the norther side of the lot.

(2) Surrounding conditions consist of three row houses to the south of appellant's property to Emery Place. To the north of appellant on Fessenden Street the development consists of detached single family homes which also applies to Emery Place. South of Emery Place the property is zoned C-2. Appellant's property faces a Government park and the commercial frontage of Wisconsin Avenue which is approximately 100 feet removed. With the exception of the commercial frontage on Wisconsin Avenue property is zoned R-2 to the north, south and west for several blocks.

(3) Appellant's dwelling is at present used residentially. Appellant desires to have medical and dental offices in the basement and lease out the upper floors for apartments. He intends to have a doctor and dentist or two dentists.

(4) There was opposition to the granting of this appeal registered at the public hearing. This objection was predicated upon the contention that there is ample commercial property nearby on Wisconsin Avenue and that this use would be an encroachment on the residential neighborhood.

OPINION:

It is our opinion that appellant has failed to prove a case of hardship 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 specific property, and for that reason feels that the granting of this relief will result in substantial detriment to the public good and would substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

We are further of the opinion that the contention of the objector at the public hearing is substantiated by the facts.