

PUBLIC HEARING--June 16, 1965

Appeal #8215 Benjamin Epstein, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. Davis and Harps dissenting, the following Order was entered on June 22, 1965:

**ORDERED:**

That the appeal for a variance from the provisions of paragraph 3301.1 of the Zoning Regulations requiring 900 square feet of lot area per unit to permit conversion of flat into three apartment units at 1628 - 5th Street, N.W., lot 820, square 477, 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 20 feet on 5th Street a depth of 93.45 feet and contains an area of 1867 square feet.

(2) The lot is improved with a two-story and basement building. Appellant states that he has apartmentson the first and second floors and desires another unit in the basement.

(3) The lot contains an area of 1867 square feet of land whereas regulations in the R-4 District require 2700 square feet of land in order to convert to three units.

(4) With the existing two apartments appellant's lot exceeds the minimum requirements by only 67 square feet.

(5) There was no objection to the granting of this appeal registered at the public hearing.

**OPINION:**

We are of the opinion that appellant has failed to prove a case of hardship within the meaning of the variance clause of the statute as the property in question with two apartment units exceeds to square footage by only 67 square feet and is therefore practically in compliance with the provisions of Section 3301.1 of the Zoning Regulations.

In view of the above we are of the opinion that this relief cannot be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning Regulations and maps.