

PUBLIC HEARING—July 14, 1965

Appeal #8263 Lacey W. Johnson, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on July 14, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-4 District to permit a delicatessen at 112 - 15th St. S.E., lot 41, square 1072, 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 16 feet on 15th Street and a depth of 74.08 feet to a public alley in the rear. The lot contains an area of 1185 square feet of land and is improved with a two and one-half story brick row dwelling. The building is used as a private one-family home.

(2) This property is removed one building north of the C-2 District which extends south for many blocks. North of this property is an R-4 Classification which extends for many blocks in all directions.

(3) Appellant bases his hardship on the fact that there are number of nonconforming commercial buildings in this block of 15th Street consisting of a barber shop at premises 114-15th St. then his property and adjoining to the north another dwelling. From there north premises 108 - 15th St. is a barber shop, a florist at 102 - 15th St. and a grocery at 100 - 15th Street. Across the street is a laundry at 109 - 15th St. and a church at 101 - 15th St. The balance of the commercial buildings are in the C-2 zone.

(4) 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 hardship within the provisions of Section 8207.11 of the Zoning Regulations as an approval of this use would be contrary to the intent and purpose of the Zoning Regulations, i.e. the elimination of nonconforming uses as they outlive their purpose. We are further of the opinion that the granting of this appeal would be tantamount to a change of zoning. We further feel that to add another nonconforming use in this block which has several such uses could not 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 and would defeat the very purpose for which this regulation was adopted.