

Appeal #8297 Mr. and Mrs. C. A. Winkler, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on August 25, 1965:

**ORDERED:**

That the appeal for a variance from the provisions of Section 3301 of the Zoning Regulations requiring 900 square feet of land area per unit for conversion of two-family flat into a three-unit apartment building at 521 - 8th St. N.E., lot ~~1~~ 33, square 914, be granted.

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

(1) Appellant's lot has a frontage of 18 feet on 8th Street, a depth of approximately 110 feet and contains an area of 1964 square feet of land.

(2) The lot is improved with a two-story and basement brick structure, and is utilized as a delicatessen and an apartment on the first floor and two families on the second floor. Appellant desires to utilize the building as it exists. The delicatessen is open seven days a week 15 hours a day.

(3) The lot contains an area of 1964 square feet of land whereas regulations in the R-4 District require 2700 square feet of land in order to convert to three units. In this instance appellant intends to make no changes in the building nor in the occupancy thereof.

(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 proven a hardship within the meaning of the variance clause of the statute, and that a denial of the request will result in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the owner.

We are further of the opinion that this relief can 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.