

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING--August 18, 1965

Appeal #8326 Dudley D. and Annie Jouett Hale, 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 story limitation percentage of lot occupancy of the R-3 District to permit 4th floor addn. to existing dwelling at 1400 - 34th St. N.W., lot 800, square 1246, 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-3 District, has a frontage of 20 feet on O Street and a depth of 77 feet along 34th Street. The lot contains an area of 1540 square feet of land and is improved with a four-story building with three stories at the north end which section is now covered with a canopy.

(2) Appellant's building at present is nonconforming as to story limitation and percentage of lot occupancy for the R-3 District. Appellant's building occupies 1080 square feet whereas the R-3 District permits 924 square feet and therefore the lot is over-occupied by 156 square feet

(3) Appellant amended his plat plan after filing before the Board which shows that the rear yard requirements of the R-3 District are met.

(4) Appellant desires to erect an additional story over the existing three story portion of the building to make it conform with the balance of the building.

(5) There was opposition 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 provisions of Section 8207.11 of the Zoning Regulations and that the request for this additional story on a building already in violation of the story limitation and lot occupancy requirements of the regulations will result in substantial detriment to the public good and will substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map.

We are further of the opinion that there is nothing by reason of narrowness, shallowness, shape or topography of other extraordinary or exceptional situation or condition of the property to warrant the waiver requested. We are of the opinion, however, that the request will in fact make the building more nonconforming in its structure and may well, in our opinion, affect adversely conditions of light and air to adjoining properties.