

PUBLIC HEARING--Sept. 22, 1965

Appeal #8339 Esther T. Marshall, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

ORDERED:

That the appeal for a variance from the provisions of Sect. 3301 of the Zoning Regulations requiring 900 sq. ft. of land area per unit for conversion of a flat into three apartment units at 1119 Fairmont St. N.W., lot 35, square 2859, be denied.

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-4 District, has a frontage of 16.67 feet on Fairmont Street, a depth of approximately 143 feet and contains an area of 2378 square feet.
- (2) The property is improved with a two-story building with an English basement. The first and second floors are now flats and appellant desires to install an additional apartment in the basement thereby making the building into a three unit apartment.
- (3) An inspection of the records indicates that the majority of the lots in this square and across Fairmont Street are 16.67 feet in width or less.
- (4) The lot contains an area of 2378 square feet of land whereas regulations in the R-4 District require 2700 square feet of land in order to convert to three units.
- (5) There was strenuous objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that the addition of another apartment in this narrow row house, in a district where the majority of the buildings are used as homes, would tend to create over-crowding in the building as well as the neighborhood. We also feel that to grant this appeal would be an encouragement for others in this immediate area to request additional units which would definitely be an over-crowding of the neighborhood.

We believe that the contention of the objectors that this conversion would lead to others, would not be in keeping with the neighborhood and would have an adverse effect on property values, is well taken. We believe these contentions are substantiated by the facts.

In view of the above it is our opinion that appellant has failed to prove a case of hardship within the variance clause of the statute, and that a denial of the appeal will not result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner.