

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING--Sept. 22, 1965

Appeal #8348 Jacob and Annie R. Goldberg, appellants.

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 Section 3301 of the Zoning Regulations requiring 900 square feet of land area per unit for conversion of building into three apartment units at 223 - 8th Street, N. E., lot 801, square 917, 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 feet on 8th Street, a depth of 117 feet to a 15 foot wide public alley in the rear. The lot contains an area of 1872 square feet of land.

(2) The property is improved with a two-story building with basement. Appellant desires to provide three apartment units in this building.

(3) The lot contains an area of 1872 square feet of land whereas regulations in the R-4 District require 2700 square feet of land in order to convert to three units. This is short 828 square feet to meet regulation requirements.

(4) An inspection of the records indicate that the majority of the lots in this square are of the same size and dimensions as appellant's lot.

(5) The Capitol Hill Restoration Society protests the granting of this appeal and stated that the third unit, which would be a basement unit, would not be adaptable for living quarters.

OPINION:

We are of the opinion that the addition of an extra apartment unit in this narrow row house, will 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 the immediate area to request additional units which would definitely be an over-crowding of the neighborhood.

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 to or exceptional and undue hardship upon the owner.

PUBLIC HEARING--September 22, 1965

AMENDED APPEAL #8348 Jacob and Annie R. Goldberg, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following amended Order was entered on October 19, 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 building into three apartment units at 223 - 8th Street, N.E., lot 801, square 917, be granted for the following reasons:

(1) The Board in its order dated September 28, 1965, denied the appeal being of the opinion that an additional apartment in the basement would create over-crowding of the building. Later evidence was provided to the effect that appellant did not intend to add any additional units but intended to use the building as it is now occupied with three units.

(2) As the result of this new evidence the Board approves the appeal for continuous occupancy of the premises as it is now being used with no residential use of the basement allowed except for the bathroom serving the first floor apartment. The Board is of the opinion that it should not permit the premises to be used any more intensely than it is at present.

(3) In view of the above we are 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.