

PUBLIC HEARING--Sept. 22, 1965

Appeal #8366 Otis M. Whitaker, 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 FAR and side yard requirements of the R-5-A District to permit two additional apartments in the basement of existing apartment house at 4828 New Hampshire Avenue, N.W., lot 33, square 3323, 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 33.20 feet on New Hampshire Avenue, depths of 94.32 and 115.88 feet to a 16 foot wide public alley in the rear. The lot contains an area of 4195 square feet of land.

(2) The property is improved with a two-story and basement apartment building which is nonconforming by reason of side yard and FAR requirements of the regulations. Apartments in the R-5-A District require at least one side yard of 8 feet and an FAR not exceeding 0.9. The creation of the apartments in the basement would create an over-occupancy of 1102 square feet.

(3) The 200 block Emerson St. N.W. Civic Group protests the granting of this appeal on the basis that the neighborhood is already congested, would create problems of trash and garbage maintenance, and that in many cases there are too many persons living in one apartment.

(4) An inspection of the records indicates that the majority of buildings in this square are of the same size and have lots of the same width and area as appellant.

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 granting of this appeal would result in substantial detriment to the public good and with substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

In this case it is our opinion that to grant this request would be an inducement for others in this square to request relief for additional apartments beyond that permitted in the Zoning Regulations with the inevitable result that the neighborhood could become definitely over-crowded and would result in conditions as protested by the civic group.