

PUBLIC HEARING—Nov. 17, 1965

Appeal #8452 M. S. Schaeffer and Josef Frankel, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on November 24, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-2 District to permit apartments in basement of existing flats at 4600 Hillside Road, S.E., lots 78 to 83, inc. square 5362, be denied.

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

(1) Appellant's lots have a frontage of 31 feet each on Hillside Road with exception of lot 83 which has a frontage of 34.16 feet. The lots have a depth of 115 feet to a 20 foot wide public alley in the rear. Each lot contains an area of 3565 square feet except lot 83 which contains 5749 square feet.

(2) These lots are improved with six apartment units and are nonconforming, being located in the R-2 District which permits semi-detached single-family dwellings.

(3) Appellant proposes to provide twelve parking spaces 9 x 19' each or two spaces to each unit.

(4) Appellant proposes to add one additional unit in the basement of each building or an increase of six units.

(5) There was objection to the granting of this appeal registered at the public hearing by the Benning-Ridge Civic Assn. Inc.

OPINION:

The Board was unable to find and appellant was unable to prove that by reason of exceptional narrowness, shallowness or shape of the property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property that the strict application of the zoning regulations will result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner. In the instant appeal we have six apartment buildings on lots normal in all respects as to depth, width, topography and shape, said lots being rectangular in shape.

In view of the above it is our further opinion that this relief cannot 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.