

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- March 23, 1966

Appeal No. 8631 Diamond Housing Corp., appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and carried with Mr. Hatton dissenting, the following Order was entered at the meeting of the Board on March 30, 1966.

EFFECTIVE DATE OF ORDER: June 7, 1966

ORDERED:

That the appeal for a variance from the provisions of Section 3301.1 requiring 900 square feet of lot area for conversion into a three unit apartment house at 923 Westminster Street, N.W., lot 201, square 362, be granted.

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

(1) Appellant's lot has a frontage of 18.75 feet on Westminster Street and a depth of 82.50 feet. The lot contains 1546.88 square feet of land.

(2) Appellant purchased the property in October, 1965 and the building was rented as apartments at that time.

(3) The lot is improved with a three story brick building containing a complete unit on each floor.

(4) A certificate of occupancy has been issued for flats and a rooming house.

(5) Many similar buildings in the immediate vicinity have two or three units and some are rented as rooming houses.

(6) The size of the lot is less than required by the Zoning Regulations in the R-4 District, which requires 2700 square feet of land area in order to convert to three apartment units.

(7) Each floor of the subject building has 1200 square feet of floor area, which is very adequate for a single family living unit.

(8) Opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Regulations, and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

The Board is further 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.

In granting this appeal the majority of the Board believes that some explanation should be given for its actions in many cases granting variances from the provisions of Section 3301.1 which require 900 square feet of lot area per unit in the R-4 districts. In the District of Columbia, land zoned R-4 is generally improved by three-story dwellings located on lots ~~have~~ substantially less than 2700 square feet of area. There appears to be no substantial reason for the selection of 900 (as opposed to 800 or 1000) square feet per unit, and therefore, we have felt no compelling reason to adhere to 900 square feet per unit. On the contrary, it has appeared to us that the best practical rule for conversion in the R-4 District is to permit one living unit per floor and we have granted variances from the 900 square feet per unit requirement of Section 3301.1 to permit this in many cases.