

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING: April 13, 1966

Appeal No. 8714-17 J. E. Bindeman et al, Binwood Apts, Inc., K. F. &
Virginia C. Wood, Henry Farr, Appellants

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee

On motion duly made, seconded and carried with Mr. Harps not voting,
the following Order of the Board was entered at the meeting of May 31, 1966.

ORDERED:

That the appeal for a variance from FAR reqs. of R-5-C District to
permit erection of apt. house with a FAR not to exceed 4.0 at 3022-28
Wisconsin Ave., NW., lots 46, 47, 811, 829, sq. 1923 be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-5-C District.
2. The property is improved with four 2 ½ story brick apartment bldgs
which the appellant proposes to raze.
3. The appellant proposes to assemble four lots into a single lot in
order to erect an apt bldg with an FAR not to exceed 4.0. The FAR
of the R-5-C District is 3.5.
4. The Bd. upon inspection found that conforming apt. bldg (FAR 3.5)
have been constructed to the north, south and west of the subject
property.
5. The appellant alleged that due to the subsoil conditions and cost
it would not be feasible to construct an apt. bldg with an FAR of
3.5.
6. Opposition was registered at the PH to the granting of this appeal.
7. The appellant requested a rehearing on June 15, 1966. The Bd in
executive session denied the appellant's request for a rehearing
in that there was no showing that the appellant would present
evidence which could not have reasonably been presented at the
original hearing.

OPINION:

We are of the opinion that appellant has not proved a hardship
within the meaning of the variance clause of the Zoning Regulations
and that a denial of the requested relief will not result in peculiar and
exceptional practical difficulties or undue hardship upon the owner.

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Further, we hold that the requested relief can not 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.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____

GEORGE A. GROGAN
Secretary of the Board