

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 13, 1966

Appeal No. 8849 William H. Jordan, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded with Mr. Hatton dissenting, the following Order was entered at the meeting of the Board on July 18, 1966.

EFFECTIVE DATE OF ORDER -- Sept. 12, 1966

ORDERED:

That the appeal for a variance from the requirements of Section 3301.1 requiring 900 square feet of lot area per unit in conversion of building into three apartments at 916 East Capitol Street, lot 803, square 941, be granted.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-4 District.
- (2) The lot has a 20 foot frontage on East Capitol Street with a depth of 80 feet, and contains 1,600 square feet of land.
- (3) The lot is improved with a two story brick row dwelling with an English basement. No parking is provided on the site.
- (4) The building was constructed approximately sixty years ago as a self-contained duplex. It has been occupied over the years as a two, and at times a three, unit building. No occupancy permits have ever been issued.
- (5) Appellant purchased the property in May, 1966 and the premises were vacant at that time.
- (6) Appellant states that the purchase price was \$24,000 and approximately \$25,000 will be spent in remodeling the structure.
- (7) Appellant proposes to remove the porch on the front of the house and to erect new front stairs thereby exposing more of the basement.
- (8) Appellant proposes to provide three two bedroom apartments of 1,100, 1,040, and 1,100 square feet each, one apartment being on each floor and in the basement.

(9) The 900 block of East Capitol Street contains 22 buildings of which 13 are rooming houses.

(10) The size of the lot is 1,100 square feet less than the 2,700 square feet of land required by the Zoning Regulations to convert to three apartment units in the R-4 District.

(11) No opposition was registered at the public hearing to the granting of this appeal. The record contains one letter opposing the granting of the appeal and one letter in favor. The Capitol Hill Restoration Society favors the granting of this appeal and the Capitol Hill Community Council, Inc. opposes granting.

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 request will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

We are 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.

Reference is made to the Opinion forming part of our Order in Appeal No. 8631 for a statement of the reasons of the majority of the Board for granting this and similar appeals.

Mr. Hatton's reasons for dissenting are the same as stated in Appeal No. 8810.