

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8855 Charles & Elizabeth Gunther, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting, the following order was entered at the meeting of the Board on August 31, 1966.

EFFECTIVE DATE OF ORDER -- Oct. 17, 1966

ORDERED:

That the appeal for a variance from the use provisions of the R-5-D District to permit offices of architect, dentist, doctor, engineer, lawyer, or similar professional activities and waiver of increased parking spaces required at 1507 - 22nd Street, NW., lot 25, square 67, be denied.

FINDINGS OF FACT:

(1) The property is improved with a brick building consisting of a ground floor and three stories above. There are 2,672 square feet in the building.

(2) Appellant desires to use the building for the office of some professional activity. The property was purchased in 1963.

(3) The record contains an affidavit of the prior owners stating that they were practitioners of the Christian Science Church and conducted readings, conferences and library facilities. In addition, the premises were made available to individuals and groups associated with the Christian Science movement for meetings, study or conferences. The property was used in this manner from 1961 until it was sold February 4, 1966.

(4) On May 13, 1964 the Zoning Commission rezoned this property from C-2 to R-5-D.

(5) The building is designed as a single-family dwelling. Appellant states that it is impossible to make the building into an apartment house.

(6) Appellants state that they have tried to rent the property through two real estate firms and have been unsuccessful. It is argued that the difficulty in renting the property for residential purposes arises from the proximity to commercially zoned property.

(7) The Dupont Circle Citizens Association opposes the granting of this appeal.

OPINION:

We are of the opinion that appellants have failed to show an unusual or extraordinary conditions in this property which would justify a variance from the Zoning Regulations. Admittedly, the property can be used for residential purposes although it would be undesirable from the appellants' viewpoint. Appellants had an opportunity to oppose the change of zoning in this area and now that it is zoned residential it would be inconsistent with the zone plan for the Board to allow the property to be used for commercial purposes. In order to grant this appeal, the Board would be compelled to substitute its judgement for the judgment of the Zoning Commission. This the Board is not willing to do.