

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- December 14, 1966

Appeal No. 9046 Charles Burke, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on December 14, 1966.

EFFECTIVE DATE OF ORDER -- May 8, 1967

ORDERED:

That the appeal for a variance from the use provisions of the R-1-B District to permit a rooming house at 4224 - 16th Street, NW., lots 1 and 805, square 2645, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-1-B District.
- (2) The property is improved with a large two-story brick dwelling containing eight (8) bedrooms, six (6) maid's rooms, seven (7) full baths, two (2) half baths, living room, dining room, den, and kitchen.
- (3) The present owner purchased the property in September, 1966 and states that he understood that the property had been used as a rooming house. At present, there are five (5) roomers on the premises. One of the roomers now residing on the premises has allegedly been living there for twenty-two (22) years.
- (4) Appellant desires to use the property in the same manner as he asserts that it has been continuously used.
- (5) Opposition to the granting of this appeal was registered at the public hearing. The Rock Creek East Neighborhood League and the Crestwood Citizens Association opposed this appeal. The record contains petitions in opposition signed by 393 residents of the area.

OPINION:

This appeal is for a variance from the use provisions of the R-1-B District. Thus, appellant must show a hardship inherent in the land which prevents the use of the property for its zoned purpose, and appellant has failed to show such a hardship. The only evidence presented went to the past and proposed use of the property. There is no question that the property can be used for its zoned purpose under existing Regulations. Therefore, the requested variance must be denied for failure to prove a hardship.