

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- January 18, 1967

Appeal No. 9068 Martha M. Curry, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Arthur B. Hatton dissenting, the following Order was entered at the meeting of the Board on January 27, 1967.

EFFECTIVE DATE OF ORDER - February 2, 1967

ORDERED:

That the appeal for permission to change a nonconforming use from a rooming house on all floors to an apartment house with 4 units and 2 sleeping rooms at 2825 - 28th Street, NW., lot 23, square 2109, be granted.

FINDINGS OF FACT:

- (1) The subject property is located in an R-3 District.
- (2) The property is improved by a three-story and basement row brick structure.
- (3) The present owner purchased the property in 1949 and the building has had two sleeping rooms and two apartments in it up to the present.
- (4) The owner was issued an occupancy permit as a rooming house in 1963.
- (5) Appellant stated that the building had had a license every year since she purchased the property in 1949. Because of the change in the building code, appellant stated, the occupancy permit had to be changed and new permits obtained to comply with the new code and fire alarm signals and certain fireproofing measures had to be taken to make the building code.
- (6) An apartment house license could not be obtained because there is an open bath shared by the building manager and one of the rooming tenants.
- (7) Appellant proposes to have four complete apartment units in the building, and two rooming tenants.

(8) This appeal was opposed by the Woodley Park Community Association and other residents of the area. The general position of the opposition was that the change would create more congestion, increase the possibility that the nonconformance would not disappear, and that the change of nonconforming use would adversely affect the value of their property.

OPINION:

We are of the opinion that this proposed use will not have an adverse effect upon the present character and future development of the neighborhood nor will it substantially impair the purpose, intent or integrity of the Zoning Regulations and Map.

The change will not increase the nonconformity of the property. Indeed, under the present proposal there may be a decrease in the occupancy of the building from the occupancy that has previously existed. Further, the requested relief can be granted without any substantial detriment to the public good.