

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING: November 21, 1967

Appeal No. 9429, Harger Realty Corp., Appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee

On motion duly made, seconded and carried, Mr. Davis dissenting, the following Order of the Board was entered at the meeting of November 30, 1967.

ORDERED:

That the appeal from a decision of the Zoning Administrator, D. C. given on October 19, 1967 ruling that an optical good store is not an accessory use within the meaning of the term as defined or the intent of Section 5105.5 of the Zoning Regulations and such a use as either an accessory or principal use is not permitted in the C-1 District (premises located at 5185 MacArthur Blvd., NW, lot 44, square 1419) upheld the Zoning Administrator, *be upheld.*

FINDINGS OF FACT:

1. The subject property is located in a C-1 District.
2. The property is improved with a new professional office building located at 5185 MacArthur Blvd, NW lot 44, Square 1419.
3. This is an appeal from a decision of the Zoning Administrator, D.C. given on October 19, 1967 ruling that an optical goods store is not an accessory use within the meaning of the term as defined or the intent of Section 5105.5 of the Zoning Regulations and such a use as either an accessory or principal use is not permitted in the C-1 District.
4. There was no opposition registered at the Public Hearing as to the granting of this appeal.

OPINION:

The decision of the Zoning Administrator denying the request

Appeal No. 9429  
November 11, 1971  
Page 2

for a certificate of occupancy considered the "optical goods store" as not permitted in the C-1 District either as a principal use or as an accessory use is upheld.

We are of the opinion that appellant has not proven 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 and undue hardship upon the owner.

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