Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - January 15, 1969

Appeal No. 9820 Gene S. Siegel, et al, 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 January 21, 1969.

ORDERED:

That the appeal for a variance from the use provisions of the R-5-B District to erect office of non-profit organization at 215 - 3rd Street, N.E., lots 12, 37, 38, 39 and 800, Square 733, be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District.

2. The property has a frontage of 98.8 feet on Maryland Avenue and a frontage totalling 104.29 feet on 3rd Street, with no alley access.

3. The property is improved as follows:

a. 300 Maryland Ave. - Grocery store first floor; apartment second floor.

b. 302 Maryland Ave. - 2-story row dwelling.

c. 304 Maryland Ave. - 2-story row dwelling.

d. 308 Maryland Ave. - 2-story frame row structure.

e. 215 - 3rd Street - 2-story frame structure.

4. The appellant requests to amend application hereby made from the 1.8 FAR limitation to permit building with 2.8 FAR.

5. Appellant proposes to erect a 4-story special purpose office building containing approximately 20,000 square feet.

6. Appellant alleges subject site is irregular in shape. The northerly lot line has a depth of 35.45 feet running thence 25.02 feet in a northwesterly line and thence 27.22 feet in a southeasterly line to the easterly line of the property. Along the easterly line the site has a combined regular depth of 91.08 feet off of Maryland Avenue. The site contains approximately 7,103 square feet of ground.

7. Appellant asserts that the present structures on the property are obsolete and constitute an uneconomic use of the property. Additionally, appellant asserts that it is not economically feasible to remodel or upgrade the existing property and that the existing site cannot be economically developed for apartment housing.

8. BZA File No. 9820 contains a petition in favor of the erection of the proposed office building.

9. Opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that the appellant has failed to prove any unusual situation or condition inherent in the property within the meaning of the variance clause of the Zoning Regulations and that the proposed erection of an office building upon the subject site would have an adverse impact on the nearby residentially zoned property, and would, therefore, affect adversely the present character and future development of the neighborhood. Further, the requested relief cannot 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 Maps.

There is no question that the property can be used for its zoned purpose under the existing regulations. Therefore, the requested variance and the requested amendment must be denied for failure to prove a hardship.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: Charles E. Morgan

CHARLES E. MORGAN
Secretary of the Board

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Board of Zoning Adjustment

DATE: January 30, 1969

NAME: Franklin C. Salisbury
ADDRESS: 1815 H Street, N.W.
CITY: Washington, D.C. ZIP: 20006

Dear Sir or Madam:

The Board of Zoning Adjustment in executive session on January 21, 1969 after public hearing held on January 15, 1969, Denied your Appeal No. 9820.

For a variance from the use provisions of the R-5-D District to erect office of non-profit organization at 215 - 3rd Street, N.E., lots 17, 37, 38, 39 and 800, Square 733.

CONDITIONS:

A formal Order will be prepared and forwarded to you. In the meantime, this letter will serve as notice to other departments of the action taken by this Board.

Yours very truly,

BOARD OF ZONING ADJUSTMENT
District of Columbia
Case 9820
Exhibit 59

CHARLES E. MORGAN
Administrative Officer