

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - February 12, 1969

Appeal No. 9921 Richard B. Casey, appellant.

The Zoning Administrator of the District of Columbia, appellee.

EFFECTIVE DATE OF ORDER - March 26, 1969

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on February 12, 1969.

ORDERED:

That the appeal for variance from the lot occupancy, FAR, rear yard, height, story limitations and a variance of parking requirements for one parking space in the R-4 District to permit completion of building started before May 12, 1958, at 632 East Capitol Street, N.E., lot 848, Square 868, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District.
2. From 1964 to the present the ownership of the subject property has passed from T. J. Casey, to Amalgamated Finance, to Wilbur and Jane Martin, and back to T. J. Casey under the terms of judgement in Civil Action No. 261-66, United States District Court for the District of Columbia.
3. The property is presently improved with a 4-story brick structure with a brick and cinderblock addition all of which was approved and constructed prior to May 12, 1958.
4. Appellant alleges that the intended use and design of the building conformed with the general makeup of the neighborhood which was at the time comprised of tourist homes, apartments and scattered single-family dwellings.
5. Appellant proposes to complete the apartment building which is to contain eight units as it was originally approved with minor changes conforming to the existing building code.
6. There is to be no enlargement. All brickwork is in place and all floor areas currently exist in the vacant structure.

7. Financial difficulties, vandalism and theft contributed to the incomplete condition of the proposed apartment building while same was under construction prior to May 1958.

8. Appellant requests variance of the existing regulations for the following:

- a. 1,171.83 square feet over lot occupancy.
- b. 6,192.78 square feet over FAR.
- c. Approximately 5 feet in rear yard.
- d. 1 story above the 3-story limitation.
- e. Waiver of 1 off-street parking space in R-4 District.

9. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that the appellant has shown a hardship within the meaning of the variance clause of the Zoning Regulations and that to deny the requested relief would result in peculiar and exceptional practical difficulties and undue hardship upon the owner. Further, the requested relief can 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.

Appellant's proposed apartment building conforms to the regulations existing prior to May 12, 1958, upon which the appropriate permits were issued. The requested relief is therefore granted.

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

ATTESTED:

By:



CHARLES E. MORGAN
Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.