Rec'd. 4/24/01

The strict application of any regulation ... would result in:

- **Peculiar and exceptional practical difficulties to or;**
- **Exceptional and undue hardship upon the owner of the property;**

Provided, that the relief can be granted:

- **Without substantial detriment to the pubic good; and**
- **Without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."**

DOES THE APPLICATION MEET THE VARIANCE TESTS?

- **With respect to exception narrowness, shallowness or shape of a piece of property or by reason of Exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property:**

1. No. The subject property does not meet the test. There is nothing exceptional regarding narrowness, shallowness or shape of the subject property, which would warrant unique consideration for variance purposes. It is a typical end-unit row dwelling. The property does have a slight slope to the front, but for all intent and purposes, it is consistent with the general character of properties in the R-4 zones. The dimensions of Lot 19 are 20 feet wide (18 feet required) by 90 long, which equals 1,800 square feet, the minimum standard permitted in R-4 Zone districts

2. **With respect to the strict application of the regulations resulting in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property:**

   Yes. It would cause an exceptional and undue hardship upon the owner of the property if the regulations were to be strictly enforced. There is a documented history that the first floor of the subject premise has been used as a meat market and as a retail grocery store for most of the period between 1954 and the mid 90's. The issuance of several "Certificate of Occupancy" permits by the Department of Consumer and Regulatory Affairs provides support for this assertion. According to the applicant, the first floor of the premise is specifically designed to accommodate commercial functions. It would create a hardship for the owner, if the first floor of the building had to be retrofitted to accommodate uses other than the designed use. The existing space contains one commercial freezer, (there were four) shelving in the middle of the floor and on one wall, a counter top and two commercial sinks. The proposed new space would utilize

BZA
Case No. 16689
Exhibit No. 32A

Board of Zoning Adjustment
District of Columbia
CASE NO.16689
EXHIBIT NO.32A