

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 16, 1970  
November 18, 1970

Appeal No. 10511 Stephen B. Newman, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of September 22 and November 24, 1970.

ORDERED:

That the appeal for variance from the story limitations of R-3 District to permit garage under dwelling at 3013 Cambridge Place, NW., Lot 69, Square 1282, be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
2. The subject property is improved with a three (3) story brick structure with basement which is used as a single family dwelling.
3. Appellant proposes to erect a garage underneath the single family dwelling.
4. Appellant alleges that there are no problems with the garage, as such, under the Zoning Code. However, the excavation of the front yard created the problem of an additional story in the R-3 zone.
5. Appellant also alleged that it is not possible to put a garage in the rear yard because the rear yard is about 18 feet from the public alley and a garage would eliminate the rear yard. The garage is necessary because of the parking problems in the area.
6. Appellant further stated that while the story requirements is nonconforming, the building height is within the 40 foot limitation and that the Fine Arts Commission has approved the alterations requested in this appeal.

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7. The appellant appeared at the November 18, 1970 public hearing and requested reconsideration and/or rehearing alleging that if he moved his driveway and garage over 18 inches, he could construct the proposed garage without the Board's approval. The Board in executive session November 24, 1970 denied appellant's request for a reconsideration and/or rehearing.

8. Opposition to the granting of this appeal was registered at the public hearing to the granting of this appeal based upon the fact that appellant's parking problem is the same as the other neighbors on the street. The opposition further stated that to allow appellant to erect the garage would deprive the other neighbors of the use of a common parking space which they all use now.

OPINION:

We are of the opinion that appellant has not proved 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 or 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 DC. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: \_\_\_\_\_

  
PATRICK E. KELLY  
Secretary of the Board