

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 19, 1972

Application No. 11085 Thomas P. Liverman, Micheline C. Liverman,
and Anne-Marie Charpenet, appellants.

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
July 25, 1972.

EFFECTIVE DATE OF ORDER - Aug. 7, 1972

ORDERED:

That the application for a variance from the subdivision
of lot requirements, Section 1302, of the Zoning Regulations,
of an R-3 District to permit subdivision of alley lot 827, to
join the eastern half of said lot 827 to the abutting portion
of the existing lot 810, both in Square 1245, be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District,
and is owned by Thomas P. Liverman, Micheline C. Liverman and
Anne-Marie Charpenet, who are "parties" herein, and who executed
written authorization on file in this case, for counsel to repre-
sent them in this proceeding. Mrs. Liverman was present in
person at the hearing.
2. The subject lot 827, in Square 1245, (which is bounded
by 33, 34, O, and P Streets, NW.) has on its south side a
forty (40) foot frontage on public alley, by thirty (30) foot
depth, as reflected by D.C. Surveyor's plat record.
3. The eastern twenty foot frontage on the public alley
of lot 827 is improved by two brick garages; the public alley
is twenty (20) feet wide.
4. The eastern twenty (20) feet of lot 827, for a por-
tion of its north side, abuts the south side of lot 810 (improved
by premises 3322 P Street, NW.), Square 1245, which, as

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reflected by D.C. Surveyor's plat of record, has 24.74 foot frontage on P Street on the north, and identical 24.74 foot width on the south side, and 150 foot depth north to south, and thus, is a conforming lot in this R-3 zone.

5. Appellant-owners seek variance from the subdivision of lot requirements of an R-3 District to permit subdivision of alley lot 827 to join the abutting portion of the eastern half of lot 827 to existing lot 810, both in Square 1245.

6. The applicable requirements as to content of application, public notice, and affidavit of posting of premises were complied with, and a public hearing of the Board, all members being present, was held Wednesday, July 19, 1972.

7. Contract-purchasers Mr. and Mrs. Donald McClelland, whom the Board declares to be "parties", were present in person at the hearing. They plan to provide direct access from the north wall of the existing brick garage on present lot 827 to the south end of their lot 810 on which their residence is located. The McClellands have no off-street parking on their present lot 810. They now rent one garage from the owners of lot 827, and to get to their house from the garage must walk out the alley to 33rd Street, north on 33rd to P, and west on P more than half a block to their home, 3322 P Street.

8. After conveyance of the eastern half of lot 827 to the McClellands, the applicant-owners' remaining half of lot 827 will have a frontage of twenty (20) feet on the alley by thirty (30) foot depth, which is sufficient for parking space for two (2) cars.

9. Alley lot 827 was created before the Lewis Plan zoning regulations became effective in 1958.

10. Alley lots are unusual in Square 1245 in Georgetown, as most lots there have access to a street.

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11. The Citizens Association of Georgetown, a "party" herein, presented testimony by its Chairman of Zoning and Plans, Mrs. Harold B. Hinton, who had previously been sworn. Mrs. Hinton testified that the subject alley lot is near the rear of her house and she knows the situation very well. The Citizens Association of Georgetown has no objection to this variance.

12. Lawrence Peak, of 803 - 25th Street, NW., was sworn and testified that he opposes the variance. Mr. Peak, a "party" herein, owns alley lot 826, which abuts lot 827. Lot 826 is improved by four (4) garages on the east side of the two (2) garages on alley lot 827. He said the Board had never given him zoning that would permit him to get income from his garages by using them commercially for storage. Mr. Peak said that he does not object to the McClellands having a door to connect the garages on lot 827 with their lot 810, but he does oppose unless there is a condition that will prevent the garages from being demolished.

OPINION:

We are of the opinion that appellant-owners have proved a hardship within the meaning of the variance clause of the Zoning Regulations, in that this request for an area variance concerns an alley lot, on a deadend alley, which factors in themselves constitute an extraordinary or exceptional situation in this neighborhood of Georgetown. The hardship of this exceptional situation is emphasized by the fact that the lot antedates the 1958 Lewis Plan zoning regulations.

We are of the opinion that in the absence of a variance peculiar and exceptional practical difficulties--and an undue hardship-- will be suffered by the owners because where there is a pre-Lewis Plan substandard lot like this (which is an alley lot, with less than minimum R-3 lot size) the practical difficulty is perforce of an extreme nature, with very limited conforming uses possible, and that this situation justifies an area variance. This variance is likely to have the effect of

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preventing usable land from remaining idle, and will contribute to the stability of the neighborhood by permitting permanent off-street parking space for two (2) cars for premises 3322 P Street, NW., which presently has no off-street parking.

Further, we hold that 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 Map.

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

ATTESTED:

By:



GEORGE A. GROGAN

Secretary of the Board

THAT 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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.