

Before the Board of Zoning Adjustment, D.C.

Application No. 12050 of Mrs. William Bond, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the requirements relating to the location of parking spaces (Paragraph 7205.12 and Sub-section 7205.2) to permit a parking space in a side yard less than three feet from a side lot line and less than ten feet from a dwelling and for a variance from the required size of a parking space (Section 7204) to permit a proposed driveway and parking space in the R-3 District at the premises 2802 and 2804 N Street, N.W. (Square 1213, lots 813 and 815).

HEARING DATE: January 21, 1976

DECISION DATE: January 21, 1976 (From the Bench)

FINDINGS OF FACT:

1. The property is located in an R-3 District.
2. The application was filed under Sub-section 7205.3, which gives the Board the power to grant a special exception regarding the location of parking spaces, as well as under the variance provisions of Sub-section 8207.1.
3. The applicant owns adjoining houses at 2802 and 2804 N Street, N.W.
4. The dwelling at 2802 N Street is a two story brick house, 16.15 feet wide which occupies the entire width of lot 813, for a depth of 36.15 feet back from the street line.
5. The dwelling at 2804 N Street is a two story brick and frame house, 22.28 feet wide at its front, which has a 9.78 foot side yard on its east side, which separates it from the dwelling at 2802 N Street.
6. There is no alley at the rear of the property at 2804 N Street to give direct access to the rear yard.
7. There is a staircase leading down to the kitchen of 2804 N Street in the side yard. This staircase is located 10.81 feet back from the front of 2804 N Street and effectively prevents automobile access to the rear yard.
8. There are no windows in the wall of 2802 N Street which stands on the property line which separates the two lots in question.
9. The applicant proposes to retain the existing gates which screen the parking space from the street and the brick paving which now exists.

10. Mrs. Harold Hinton, representing the Citizens Association of Georgetown, supported the granting of the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that it does have jurisdiction under Sub-section 7205.3 of the Regulations to grant a special exception to locate the parking space as proposed in the application. The Board concludes that the requirements of Sub-paragraph 7502.31(b) have been met, since there is no access to the rear yard by alley or driveway. The Board further concludes that the appellant has shown a practical difficulty to meet the burden in order to grant an area variance, since she is effectually barred from using any other portion of the lot upon which to locate a parking space. It is therefore ordered that the application be granted as a special exception with regard to the location of the space and as a variance with regard to the size of the space.

VOTE: 3-1 (McCants, Lewis and Harps to grant, Cummings to deny, McIntosh not present, not voting)

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

ATTESTED by: Steven E. Sher
STEVEN E. SHER
Acting Secretary of the Board

FINAL DATE OF THE ORDER: MAR 2 1976

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.