

Before the Board of Zoning Adjustment, D. C.

Application No. 12238, of Walker W. and Mary E. Weldon, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a variance under Sections 7205.12 & 7205.21 in the R-2 District to allow off-street parking within a side yard, less than ten (10) feet from a dwelling and less than three (3) feet from the side lot line at 1732 - 40th Street, S. E., Lot 34, Square 5523.

HEARING DATE: November 17, 1976

DECISION DATE: November 30, 1976

FINDINGS OF FACT:

1. The property is a single family house in an R-2 District.

2. Applicant seeks permission to allow parking within a side yard.

3. To satisfy the requirements of the cited sub-sections (7205.12 and 7205.21) applicant's parking site must be located ten (10) feet from a residence and three (3) feet from the side lot line.

4. In the instant application applicant's property provides zero (0) feet from the dwelling and four-tenths (.4) feet from the side lot line.

5. There is a fence constructed on the side lot line belonging to applicant's neighbor.

6. There was no consent to this application from the owner of the adjacent detached premises.

7. There is an alley behind the applicant's property that can be reached only by steps.

8. There is no break in the curb in front of the subject property.

9. There was no testimony for or against the application.

CONCLUSIONS OF LAW:

The variances sought herein are substantial. The Board concludes that the relief sought cannot 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. Accordingly the application is DENIED.

VOTE: 3-2 (Lilla Burt Cummings, Esq., Leonard L. McCants, Esq. and Theodore Mariani by proxy vote, dated April 25, 1977 to DENY: William S. Harps and William F. McIntosh to GRANT).

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

ATTESTED BY:

Bernard J. McMahon

BERNARD J. McMAHON
Assistant Secretary

FINAL DATE OF ORDER: _____

May 12, 1977

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12238 of Walker W. and Mary E. Weldon, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a variance under Sections 7205.12 and 7205.21 in the R-2 District to allow off - street parking within a side yard, less than ten (10) feet from a dwelling and less than three (3) feet from the side lot line at 1732 - 40th Street, S.E., Square 5523, Lot 34.

HEARING DATE: November 17, 1976

DECISION DATE: November 30, 1976

DISPOSITION: Application denied by a vote of 3-2 (Lilla Burt Cummings, Esq., Leonard L. McCants, Esq., Theodore F. Mariani to DENY: William S. Harps and William F. McIntosh to GRANT).

FINAL DATE OF ORDER: May 12, 1977

ORDER

Upon consideration of the applicant's Motion For Reconsideration dated June 15, 1977, the Board finds that the Motion fails to state an acceptable basis of error on the part of the Board to support a Motion for Reconsideration. It is therefore ORDERED that the Motion for Reconsideration be DENIED.

DECISION DATE: July 12, 1977

VOTE: 3-1 (Charles Norris, William F. McIntosh, Leonard L. McCants, Esq. to DENY: Chloethiel W. Smith to GRANT)

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

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

15 JUL 1977