

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12449, of Leo Condolon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance to construct an apartment building adjacent to the property line without a common division wall (Sub-section 3305.4) and for a driveway less than 14 feet wide. The property is in the R-5-B District at 732 - 5th Street, S. E., (Square 847, Lot 66).

HEARING DATE: July 20, 1977

DECISION DATE: August 3, 1977

FINDINGS OF FACT:

1. The subject property is located in an R-5-B Zone District.
2. The subject site is presently vacant unimproved land at the corner of "5th" Street and Virginia Avenue, S. E.
3. The applicant proposes to construct a four unit apartment with one-half ($\frac{1}{2}$) basement, three stories in height, with three parking spaces provided.
4. The subject lot is approximately 2101.60 square feet in area and is 20 feet wide. To provide an 8 foot side yard on one side as required by Subsection 3305.4 of the Zoning Regulations, the applicant would have to construct a building of only 12 feet in width. Providing two side yards of eight feet would leave only four feet of the lot which could be built upon.
5. The subject property is surrounded by Virginia Avenue on the south, which is the Southeast Freeway, owned by the District Government. On the north side of the property is an existing 12 foot wide privately owned alley. This alley is a permanent easement recorded on the deeds of the adjacent property owners. It serves as a right-of-way to the rear of properties on the seven or eight adjacent lots to the north.
6. The Zoning Regulations require that private alleys which are driveways serving apartments be a minimum of 14

feet wide. If the applicant is required to reduce his property width by the required two feet in the full length of the driveway, he could not meet the parking requirements of the R-5-B Zone.

7. The Capitol Hill Restoration Society supported the variance from the side yard requirement, but opposed the 14 foot minimum driveway width requirement.

8. There was no other opposition to the granting of this application.

CONCLUSION OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion that the requested variances are area variances the granting of which requires the showing of practical difficulty. The Board concludes that if the applicant was required to provide the eight foot side yard this would limit the applicant to a building of only 12 feet in width. The Board concludes that if two feet of the lot were added to the existing twelve foot drive, the applicant would not be able to provide the two parking spaces required by the Regulations. The Board concludes that this would impose a practical difficulty upon the applicant in utilizing his property in a manner which is otherwise consistent with the intent of the Zoning Regulations and Map. It is therefore ORDERED that the above application is hereby GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh,
Dr. Walter B. Lewis Chloethiel Woodward Smith
and Leonard L. McCants, Esq.)

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

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 AUG 1977

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.