

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12585 of Smiths and Father-Upton Street, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard (Sub-section 3305.1) and parking (Sub-section 7202.1) requirements to permit the construction of a single family dwelling in the R-1-A District at the premises 2814 Upton Street, N. W., (Square 2238, Lot 12).

HEARING DATE: February 15, 1978
DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-1-A Zone District on the south side of Upton Street, N.W. east of 29th Street.
2. The subject property is presently vacant and unimproved.
3. The applicant proposes the erection of a single family detached house.
4. The subject lot averages seventy-five feet in width and is 116 feet deep. The lot is slightly irregular in shape, having a width of 69.0 feet at Upton Street and a width of 86.85 feet at the rear of the lot. The site slopes steeply downward from front to back at a forty degree angle with the rear of the lot approximately forty feet below the street level.
5. The R-1-A District requires a minimum side yard of eight feet. On the western side of the lot the applicant has provided nine feet. On the eastern side, the applicant has provided only five feet. Thus a variance of three feet is required.
6. The main portion of the house is located nine feet from the side lot line. There is a four foot wide deck along the side of the house extending from the front of the house approximately seventeen feet to the rear. Such deck provides access directly into the kitchen of the house. If the property did not have a steep slope, such access could be provided without a deck and with no variance required.

7. The R-1-A District requires that one parking space be provided. The applicant does not propose to provide off-street parking on the site. The applicant requires a variance to provide no off-street parking.

8. Off-street parking spaces may be located in a rear yard or in a side yard under certain circumstances. Due to the width of the lot at the front, the excessive slope of the property and the lack of alley access at the rear, such parking cannot be provided on the lot.

9. There was no Advisory Neighborhood Commission report on this application.

10. There was opposition to the application from surrounding property owners on the grounds that the variance of one off-street parking space would increase the difficulty in obtaining parking in the area and that the variance of three feet in the side yard would introduce a poor precedent in the neighborhood. There was also opposition based on poor drainage problems from the property.

11. The Board finds that the opposition as to the drainage is irrelevant to the application, and that the District of Columbia Government has appropriate environmental controls to protect adjoining property during construction. As to the parking problem, the Board finds that the existing condition will not be materially affected by the addition of only one car. As to the side yard, the Board finds that the main portion of the building will be more than eight feet from the lot line and that only a deck will be within the required side yard.

CONCLUSIONS OF LAW AND OPINION:

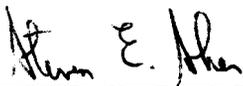
Based on the above findings and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board is of the opinion that given the slope and irregular shape of the lot, the applicant has made the required showing. The Board further is of the opinion that the granting of the requested variance would not have such an adverse impact on surrounding or nearby property as to require the denial of the application. It is therefore ORDERED that the above application is hereby GRANTED.

VOTE:

3-0 (Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to grant, John G. Parsons not voting and Leonard L. McCants not voting, not having heard the case).

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 29 MAR 1978

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.
