

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12721, of Simon A. and Vivian C. Douglas, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to permit a three unit apartment house in the C-2-A District at the premises 5501 First Street, N.W. (Square 3389, Lot 125).

HEARING DATE: August 16, 1978

DECISION DATE: August 16, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the northeast corner of First and Kennedy Streets, N.W., in the C-2-A District.
2. The subject site is approximately 3927 square feet in area and is improved with a two-story structure.
3. The existing building was constructed in 1932 prior to the adoption of the present Zoning Regulations. The first floor of the building houses a liquor store. The second floor contains three apartment units. There is no Certificate of Occupancy for the second floor.
4. The existing building occupies nearly 100 per cent of the lot's buildable area. There are no abutting alleys nor are there any existing curb cuts fronting the property.
5. The applicant is requesting a variance from the parking requirements of the Zoning Regulations. One parking space is required for the three apartment units. No space can be provided on the lot.
6. Surrounding uses include a Peoples drug store, diagonally across the intersection at First and Kennedy Streets, N.W. Abutting the property on the east is a dry cleaning establishment. A single family detached dwelling is adjacent on the north.
7. The Municipal Planning Office, by report dated August 10, 1978 and by testimony at the hearing, recommended that the application be granted on the grounds that it would be extremely difficult to provide the required parking for the apartment units on this property. There are no alleys abutting this property, nor are there any existing curb cuts which could serve this lot. A field inspection of the area indicates that larger nearby apartment buildings do not comply with the present off-street parking requirements.

The MPO stated that granting this variance will not adversely affect nearby and adjoining properties. The Board so find.

8. There was no opposition to the case.

9. Advisory Neighborhood Commission 4D was notified as to the application but no recommendation was received.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the construction of the building prior to 1958 and the building's present lot occupancy of almost 100 per cent which does not leave enough room to provide a parking space, creates that practical difficulty. The Board concludes that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Chloethiel Woodard Smith, William F. McIntosh, Charles R. Norris, John G. Parsons and Leonard L. McCants to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

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.

FINAL DATE OF ORDER: 13 OCT 1978