

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12747, of Oliver Wilkens, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an open parking space less than ten feet from a dwelling (Paragraph 7205.2) in the R-2 District at the premises 3922 R Street, S.E. (Square E-5519, Lot 3).

HEARING DATE: September 20, 1978

DECISION DATE: September 20, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of R Street between 40th Street and Fort Davis Place and is known as 3922 R Street, S.E.

2. The area of the lot is approximately 2160 square feet. The lot is twenty-seven feet wide.

3. The applicant proposes to construct a driveway leading to a parking space on the side of his dwelling less than ten feet from the dwelling. The parking space will abut the dwelling, requiring a variance of the full ten feet.

4. The proposed driveway will be approximately forty-seven feet long, enough to accommodate one legal parking space located entirely behind the building restriction line.

5. There is a fifteen foot alley located at the rear of this property. The level of the alley is approximately five feet lower than the level of the backyard. There is a stone retaining wall separating the alley from the rear yard.

6. The level of the rear yard drops sharply from the level of the side yard at the rear of the house. The side yard is approximately level with the street.

7. The applicant testified and the Board finds that there would be a significant difference in cost if the applicant were required to locate the parking space in the rear yard.

8. The house was built in 1945, prior to the adoption of the Zoning Regulations, and is not required to have any off-street parking.

9. Advisory Neighborhood Commission 7B, voted to support the application.

10. There would be no measureable negative effects on the area if the application is granted.

CONCLUSIONS OF LAW AND OPINION:

The requested variance is an area variance, the granting of which requires the showing of practical difficulty. Based on the record, the Board finds that it would be impractical because of the topography of the rear yard and the cost to place an open parking space in the rear of the structure.

The Board concludes that these impracticalities do constitute a practical difficulty within the meaning of the Zoning Regulations in which relief should be granted. The Board concludes that the above application can 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 Maps. Accordingly, it is so ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants 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: 30 OCT 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.