

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12772, of Charles A. Hamilton, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an open parking space less than three feet from the side lot line (Paragraph 7205.12) and less than 10 feet from a dwelling, (Paragraph 7205.21) in an R-1-B District, at the premises of 3717 Military Road, N.W. (Square 1870, Lot 9).

HEARING DATE: November 29, 1978  
DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject premises is located on the north side of Military Road between Connecticut Avenue and Chevy Chase Parkway in the R-1-B District and is known as 3717 Military Road, N.W..
2. The property is improved with a detached single family dwelling, which has a ten foot side yard on its east side.
3. There is a similar detached residential unit located on the east side of the subject site.
4. The applicant proposes to construct a curb cut, driveway and parking space in the east side yard to meet D.C. specifications which would provide one off-street parking space for the occupants of the house. There is no parking permitted on Military Road in front of the subject premises.
5. The applicant does not live in the subject premises, but rents it out.
6. There is no alley at the rear of the property to provide access to a parking space at the rear of the house.
7. There is a steep slope in the rear yard which further precludes location of the space in the rear yard without requiring a variance.

8. The Regulations require a distance of three feet from the side lot line for an open parking space. The applicant proposes to provide six inches, requiring a variance of 2.50 feet.

9. The Regulations require a parking space to be located a distance of ten feet from a dwelling. The applicant proposes to locate the space six inches from the dwelling requiring a variance of 9.50 feet.

10. Even though one legal parking space is proposed, two vehicles can be parked in the driveway in the thirty-five foot distance behind the building restriction line.

11. Advisory Neighborhood Commission 3G, by letter dated October 17, 1978, and by testimony at the hearing, cited the illegal parking of cars in the front yard and on and around the sidewalk. The ANC opposed the granting of the application to sanction an illegally recurring situation. The ANC did indicate that if appropriate conditions were imposed to prevent illegal parking from continuing, it would not oppose the application.

12. The conditions which the Board will impose on the granting of this application will directly accommodate the issues and concerns of the ANC.

13. The abutting property owner to the east submitted a letter into the record stating no objection to the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, requiring the showing only of a practical difficulty. The Board further concludes that the slope of the lot in the rear, the lack of alley access and the location of the present improvements on the lot combine to create such a difficulty.

The Board is of the opinion that the granting of the requested variances with appropriate conditions will eliminate the illegal parking conditions that have previously existed. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled and has addressed the issues and concerns of the ANC in conditions imposed on the granting of the application. The Board concludes that it is appropriate to grant this application for a limited period of time only, in order to assess whether the applicant is complying with the conditions imposed on the approval, particularly the condition related to parking behind the building line. The Board concludes that the requested variance 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 Map.

Accordingly, it is ORDERED that the Application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS.
2. The applicant shall pave the driveway and the parking space with an all weather impervious surface and shall have the curb cut approved by the Department of Transportation.
3. All parking shall be behind the building line.
4. The applicant shall erect an obstruction along the edge of the driveway to prevent parking on the front lawn of the house.

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

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 12 FEB 1979

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.