

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12778, of Douglas P. and Heather Wheeler, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the set back requirements (Sub-section 7401.11(b)) to permit the construction of a private garage in the R-4 District at the premises 133 - 11th Street, S.E. (Square 968, Lot 51).

HEARING DATE: October 25, 1978

DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the west side of 11th Street between North Carolina and Independence Avenues, known as 133 - 11th Street, S.E.

2. The subject property, located in an R-4 zone district is approximately 2647 square feet in area, is presently vacant. It was previously used as a parking lot.

3. The applicant proposes to construct a three story flat with a rear garage on the subject property.

4. A fifteen foot wide public alley adjoins the subject lot on the side to the north, and a thirty foot wide public alley adjoins the property at the rear. Nearly all of the dwellings in this square are two and three story row structures used for residential purposes, with the exception of 111 - 11th Street, which is used as a real estate office.

5. The subject lot 51, measures 26.25 feet by 100.86 feet and is approximately 2647 square feet in area. This is 847 square feet in excess of the 1800 square foot minimum required by the Zoning Regulations for a row dwelling in the R-4 District.

6. A brick wall of approximately 7 feet in height extends along the full length of the rear lot line, which the applicant hopes to retain. That wall prevents access from the large alley at the rear.

7. The applicant requests a variance from Sub-section 7401.11 of the Zoning Regulations which requires that the entrance to the garage be setback a minimum of twelve feet from the centerline of the adjacent alley. The applicant proposes to locate the entrance on the lot line, thus leaving a $7\frac{1}{2}$ foot setback from the centerline of the alley. A variance of $4\frac{1}{2}$ is required.

8. The intent of Sub-section 7401.11 was to provide free access to garages. The location of the garage at the intersection of two alleys does allow for free access.

9. The Municipal Planning Office, by report dated October 19, 1978, recommended approval of the application on the grounds that the lot size is well in excess of the minimum required by the Zoning Regulations, and that Sub-section 7104.11(b) is designed to insure that vehicular access to private garages is convenient and neighboring properties are protected from conflicts in parking private automobiles. The Board finds that the proposed garage is located at the intersection of a thirty foot wide and fifteen foot wide public alleys, which would minimize possible maneuvering problems.

10. There was no report from the Advisory Neighborhood Commission.

11. There was no opposition to the granting of this application.

12. There were several letters of support from surrounding property owners.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires a showing of a practical difficulty. The Board concludes that the location of the brick wall at the rear of the property has created such a difficulty. Based on the above findings of fact and the evidence of record, the Board is of the opinion that the granting of this variance will not adversely affect adjoining or nearby properties.

The Board concludes that the proposed development is in harmony with the intent and purpose of the Zoning Regulations and Maps. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Ruby B. McZier, Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to GRANT; Leonard L. McCants not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 16 JAN 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.