

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12786, of 3701 Connecticut Avenue Condominiums, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing parking within a side yard which will be less than three feet from the side lot line (Sub-paragraph 7205.12(b) in an R-5-C District at the premises 3701 Connecticut Avenue, N.W. (Square 2226, Lot 1).

HEARING DATE: October 25, 1978  
DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject site is located on the east side of Connecticut Avenue approximately 400 feet north of Quebec Street, known as 3701 Connecticut Avenue, N.W.
2. The site is 63,070 square feet and developed with a nine story, 206 unit condominium apartment building.
3. The property contains three concrete driveways connecting to Connecticut Avenue. The southern-most driveway is twenty five feet in width, and leads to a two story parking garage, and is the area at issue in the application. The northern driveway is a short service drive that has a steep angle to it. The middle driveway is a circular drive leading to the main entrance to the building.
4. To the north and east of the site is Melvin C. Hazen Park, to the south the Broadmoor Apartment building and to the west across Connecticut Avenue there are apartments and detached dwellings.
5. The applicant proposes to provide a line of parking spaces one foot from the side lot line of the subject property in the southern driveway. The applicant wishes to increase the present number of sixty-two spaces serving the 206 units in the building by nine outdoor spaces.

6. The nine proposed parking spaces located parallel to and one foot from the southern side lot line, are in violation of the Zoning Regulations which requires a three foot distance between a parking space and the side lot line.

7. The nine parking spaces will be located in the existing twenty-five foot wide driveway. This design will leave a remaining clear aisle width of fifteen feet by which thru traffic can enter or exit the parking garages in the building. There are two access points to the garages, one located at the east end of the driveway as shown on sheet 3 of Exhibit 7 of the record, and the other approximately halfway down the driveway, as shown on sheet four of Exhibit 7 of the record. Since the building was built prior to 1958, the Zoning Regulations do not require parking to be provided.

8. The applicant presently provides less than the number of parking spaces which would be required if the building were to be built now. The R-5-C District requirement is one space for each three units.

9. The south side of the driveway is bounded by a brick wall and a high ledge, effectively screening the proposed parking spaces from the adjoining apartment house to the south.

10. By report dated October 17, 1978 and by testimony at the hearing, the Municipal Planning Office recommended that the application be approved. MPO reported that the parking spaces as proposed will not create any adverse impact on the neighboring property to the south of the subject property because of existence of the twelve inch wide brick retaining wall which is tall enough, due to the difference in grade of the neighboring property, to sufficiently block the view of the proposed cars as well as aid in reducing noise and exhaust fumes. The MPO reported that granting the relief will not cause substantial detriment to the neighboring property or impair the intent purpose and integrity of the Zoning Regulations. The Board so finds.

11. Advisory Neighborhood Commission 3F by letter dated October 23, 1978 stated no opposition to the granting of the variance. The ANC was of the opinion that the additional parking spaces requested would benefit the residents and perhaps eliminate some of the unwelcome parking by delivery trucks on the street and grass.

12. A member of the tenant association for the Connecticut Avenue Condominiums testified for the group in opposition to the application on the grounds that the applicant was seeking to legalize an already hazardous condition; that parking along this driveway was impractical, that parking could reduce the width of the

driveway and hamper access to the garages and that double parking or parking of loading vehicles could create a hazard by blocking access for emergency vehicles.

13. As to the issues raised by the tenant's association, the Board finds that the applicant indicated its intention to mark the area reserved for access as a fire lane with no parking permitted at any time. The Board further finds that the width of the driveway meets the requirements of the Zoning Regulations, which provide for a fourteen foot width. The Board will attempt to minimize congestion and hazardous conditions by eliminating those parking spaces which are closest to the access points to the two garage levels.

14. The Broadmoor Cooperative Apartments Inc. tenant association, occupants of the abutting property was in opposition to the application on the grounds that the long time prohibition against parking in the driveways of both buildings is in the interest of the safety and well being of the residents of both the applicant's building and Broadmoor's building. The Board finds that these concerns are not justified. The parking spaces will be hidden from the Broadmoor Apartments by the existing wall and screening. There will also be assured sufficient access through the driveway that no hazardous conditions will be created.

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 requested variance is minimal, and based upon the findings of fact and the record the Board concludes that the requested variance is reasonably necessary and convenient for the residents of 3701 Connecticut Avenue. The Board is of the opinion that the elimination of three of the requested nine parking spaces will minimize any hazardous conditions that could arise from the use of the driveway for parking as well as for egress and ingress to the parking garage. 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 so ORDERED that the application is GRANTED subject to the conditions that parking spaces, A, H, and I as shown on the applicant's parking plan marked as sheet 2 of Exhibit 7 of the record, be omitted.

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VOTE: 3-1 (Ruby B. McZier, Charles R. Norris and William F. McIntosh to GRANT, Chloethiel Woodard Smith to DENY, 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

EFFECTIVE DATE OF ORDER: 11 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.