

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12878, of Mary E. and Walker W. Weldon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances to allow off-street parking within a side yard and less than three feet from a side lot line (Paragraph 7205.12) and less than ten feet from a dwelling (Paragraph 7205.21) in an R-2 District at the premises 1732 - 40th Street, S.E. (Square 5523, Lot 34).

HEARING DATE: March 13, 1979

DECISION DATE: March 13, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-2 zone district at 1732 - 40th Street, S.E.
2. The subject property is presently improved with a two story brick detached structure.
3. The applicant proposes an off-street parking space in the side yard of the subject premises.
4. The Zoning Regulations require that an off-street parking space be at least ten feet from a dwelling and three feet from the side lot line.
5. With the construction of the proposed parking space, the applicant will provide .40' between the side lot line and the space, and no distance will be provided between the existing dwelling and the parking space. Thus, variances of 2.60 feet and ten feet are required.
6. The subject property is surrounded by detached and semi-detached dwellings and apartments. No off-street parking is provided for any of the single family dwellings in this area, with inadequate spaces to serve the nearby apartment building.
7. The subject property is situated on a topographically hilly site, with a six foot difference in grade between the level of the rear yard and the level of the alley. It would thus require substantial excavation and the construction of several high retaining walls to construct a parking space in the rear yard.

8. Advisory Neighborhood Commission 7B, by report dated February 9, 1979, supported the application on the basis that the area has insufficient parking to meet the needs of the residents. The Board so finds.

9. There was substantial support of the application by adjacent and nearby property owners including the owner of the adjacent property on each side, on the grounds that parking is an acute problem in the area. The Board so finds.

10. The subject structure was built before the adoption of the present Zoning Regulations. Sub-section 7202.1 of the present Zoning Regulations require that one off-street parking space be provided for each single family dwelling.

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

CONCLUSION OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that given the topography of the site, it would create a severe practical difficulty for the applicant to locate a parking space in the rear yard without a variance. The Board therefore concludes that the applicant has made the required showing.

The Board further notes substantial neighborhood support for the application and the favorable response of the abutting neighbor on the side where the space will be located. The Board further concludes that the requested relief 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.

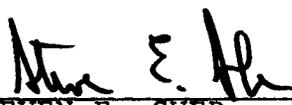
The Board concludes that it has accorded to the Advisory Neighborhood Commission the great weight to which it is entitled. Accordingly, this application is hereby GRANTED.

Application No. 12878
Page 3

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel
Woodard Smith and Leonard L. McCants to GRANT)

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 10 APR 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.