

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13028 of John A. Prince, et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against having an open parking space within three feet of any side lot line (Sub-paragraph 7205.122) and within ten feet of a dwelling (Paragraph 7205.21) in an R-3 District at the premises 1524 - 29th Street, N.W., (Square 1268, Lot 819).

HEARING DATE: August 22, 1979  
DECISION DATE: August 22, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of 29th Street near its intersection with P Street, N.W., in an R-3 zone district at premises known as 1524 - 29th Street, N.W.
2. The property is improved with a two story wooden frame structure built during the 18th Century. The applicant has improved the rear yard with a flower garden.
3. The applicant received permits to construct a driveway and an open parking space in the rear yard of the dwelling. The applicant did not complete the work as proposed, and has terminated the driveway and located the parking space in the side yard.
4. The subject lot is 31.0 feet wide and ninety feet long. The existing rear yard is twenty eight feet deep. A parking space is required to be a minimum of nine feet by nineteen feet and be located a minimum of three feet from any side lot line and at least ten feet from a dwelling.
5. There is also an existing brick wall at the rear of the property, which would limit the applicant's ability to maneuver a vehicle for ingress and egress into a rear parking space. The applicant has the area landscaped in a very attractive manner.
6. The applicant testified that the parking space would be used for his own personal vehicle.
7. The adjoining property owners to the west and east, as well as many surrounding property owners, testified in support of the application.

8. The Georgetown Citizens Association at the time of the public hearing supported the application on the grounds that the lot was not of sufficient size to accommodate a rear parking space. The Board so finds.

9. Advisory Neighborhood Commission 3A voted to support approval of the application on the grounds that it considered the garden to be an asset to the neighborhood and also found the driveway to be artistically done. The Board agrees.

10. There was a letter of opposition from Muriel M. Yasuna, Secretary-Treasurer of Mehlman Development Corp., Inc., on the grounds that parking was scarce in the Georgetown area, and a variance would be contradictory to the Zoning Regulations. The Board finds that on-street parking in the area is a problem and the creation of off-street parking spaces would help to alleviate this situation.

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

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of an exceptional situation or condition of the property which causes a practical difficulty for the owner. The Board concludes that given the location of the existing structure and the configuration of the lot, it is impossible to provide a useable parking space at the rear of the property and that to deny the applicant use of the proposed parking area creates a difficulty for the applicant. The Board is of the opinion 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. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 5-0 (Charles R. Norris, Ruby B. McZier, Chloethiel Woodard Smith, William F. McIntosh 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: 22 OCT 1979

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.