

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13110, of LeBourget Development Corporation, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7205.3 to allow parking spaces serving an apartment building within a court and for variances from the prohibition against allowing parking spaces less than ten feet from the wall of a multiple dwelling when such wall has openings designed to provide light and ventilation (Paragraph 7205.22) and from the prohibition against allowing a driveway less than fourteen feet in width (Sub-section 7206.7) in an R-5-B District at the premises 2127 California Street, N. W., (Square 2528, Lots 14 and 15).

HEARING DATE: December 12, 1979

DECISION DATE: January 9, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District on the north side of California Street between 23rd Street and Connecticut Avenue, N. W.
2. The subject property is improved with an eight story brick apartment building known as the LeBourget Apartments. The building is currently vacant and is being rehabilitated. As part of the rehabilitation, the number of units in the building is being reduced from 104 to fifty-seven.
3. The building was constructed in 1929, prior to the adoption of the present Zoning Regulations. No parking was required under the Regulations in effect at the time the building was built. Under Section 7201 of the present Zoning Regulations, no parking is required for the building.
4. The applicant proposes to locate seven accessory off-street parking spaces on the lot to serve the occupants of the building. As shown on the plat marked as Exhibit No. 4 of the record, four spaces will be located at the rear of the building, and three spaces will be located in a court on the side of the building.
5. All seven spaces will be nine feet wide and seventeen feet long, meeting the normal requirements for the size of a

parking space as specified in Section 7204.

6. Spaces numbered one through four will be located adjacent and to parallel to a fifteen foot wide public alley at the rear of the building. These spaces are located within ten feet of the rear wall of the building, which is eight stories high and contains windows which provide light and ventilation for those units at the rear of the building. A variance from Paragraph 7205.22 is thus required

7. The applicant testified that the area at the rear had previously been used as parking spaces for seven vehicles, with the spaces angled in towards the building from the alley.

8. Spaces numbered five, six and seven are located in a court on the east side of the building. Access to the court is by way of a driveway from the alley at the rear. The spaces are located within ten feet of two walls of the building, both of which contain windows providing light and ventilation to the building. A variance from Paragraph 7205.22 is required for three spaces.

9. The width of the driveway is proposed to be 11.1 feet. Sub-section 7206.6 requires that driveways which provide accessibility to parking spaces accessory to an apartment building must be a minimum of fourteen feet in width. A variance of 2.9 feet is thus required.

10. Sub-section 7205.1 allows parking spaces accessory to an apartment building to be located in a garage or carport, within a rear yard or within a side as a matter-of-right. Proposed spaces four through seven are in a court. The applicant therefore requests a special exception under Sub-section 7205.3 to locate the three spaces other than as permitted in Sub-section 7205.1.

11. The existing building occupies most of the lot upon which it is located. There are no garages or carports in the building. The only areas available for parking are located at the rear and in the court.

12. The total number of spaces to be provided if the variances are approved is the same as the total number of spaces previously available on the lot, even though the number of units has been reduced approximately by half.

13. Located on the same lot as the building, the proposed

parking spaces are reasonable and convenient for use by the occupants of the building.

14. To the north of the subject building, across the alley are the rear yards of semi-detached dwellings located in the R-3 District which front on Wyoming Avenue. To the west, across California Street to the south and to the east are existing condominium apartment buildings in the R-5-B District. The building to the east, known as the Brighton, is separated from the subject property by a side yard of approximately twelve feet. Cars are parked in that side yard.

15. The Board has granted similar relief for two other nearby buildings at 2230 California Street in BZA Case No. 12509 and at 2205 California Street in BZA Case No. 12700.

16. The Office of Planning and Development, by report dated December 6, 1979 and by testimony at the hearing, recommended that the application be approved. The OPD reported that many of the existing apartment houses in the area do not provide adequate off-street parking, and that on-street parking is thus in short supply. The OPD reported that it concurred with the applicant's assessment that the proposed parking arrangement will not cause substantial detriment to the operation of neighboring premises or the subject building. The OPD was of the opinion that approval of the seven proposed spaces would be a step in alleviating the serious neighborhood parking problems. The OPD concluded that the variances will not substantially impair the intent, purpose and integrity of the Zoning Regulations and Map. The Board concurs with the findings and conclusions of the OPD.

17. Advisory Neighborhood Commission 1-D, by letter dated December 12, 1979, took no position on the application. The ANC noted the objection by residents of the buildings across the alley to the north. Those residents reported to the ANC on the problems they had experienced in the past with cars parked at the rear of the building. The ANC did report that the residents withdrew their objections if the cars are to be parked parallel to the building, rather than at an angle to it. In Finding of Fact No. 6, the Board determined the spaces at the rear would be parallel to the alley.

18. There are two letters in the record from owners of property on Wyoming Avenue, objecting because previous cars parked at the rear of the property intruded into the alley. The Board finds that the proposed arrangement of spaces as shown on the plat marked as Exhibit No. 4 of the record will not intrude on the alley and can be entered without crossing

other private property.

19. The Brighton Condominium Unit Owners Association, by letter dated December 8, 1979, opposed the application. One resident of the Brighton appeared at the hearing. The opposition of the Association and the individual was based on the noise and traffic to be generated by the cars parked in the court. That noise and traffic was alleged to cause discomfort and inconveniences for the residents of Brighton.

20. As to the issues raised by the parties in opposition, the Board finds that only three cars will be parked in the courts. This means that there will be minimal traffic in the driveway to the spaces, and very little activity in the court. The Board further finds that the Brighton is separated from the subject property by a side yard of approximately twelve feet, and that cars are parked from the Brighton in that yard. The Board finds that there will be no substantial adverse effects if the variance is granted.

CONCLUSIONS OF LAW AND OPINIONS:

The Board concludes that the requested variance are area variances, the granting of which requires the showing of some exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the location of the existing apartments on the property creates such a condition. The Board further concludes that if no variances are granted, no parking spaces can be provided on the site, creating a practical difficulty for the owner. The Board concludes that the seven spaces are located in such a manner as to not infringe on the use of the public alley nor to create dangerous conditions relative thereto.

As to the special exception, the Board concludes that the applicant has complied with the requirements of Sub-section 7205.3. There are no available garages, carports, rear yards, or side yards to accommodate the proposed parking. Further, the spaces are reasonable and convenient for the building. The seven spaces will provide a small number of spaces to help relieve the overall parking demand in the area.

The Board further concludes that the requested variances are minimal, and will have little adverse impact. The Board concludes that approval of the application will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps. 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 Maps. It is therefore ordered that the application is granted subject to the condition that no vehicles be allowed to park in the driveway.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune, Leonard L. McCants and William F. McIntosh to grant).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: 17 MAR 1980

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 PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.