

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13129, of Charles Young, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against locating parking spaces within three feet of the side lot line (Paragraph 7205.122) and within ten feet of a dwelling (7205.21) and from the driveway width requirements (Sub-section 7206.6) in an R-2 District at the premises 30 Underwood Place, N.W. (Square 3367, Lot 53).

HEARING DATE: January 16, 1980

DECISION DATE: February 6, 1980

DISPOSITION: The Board DENIED the application by a vote of 4-0 (Connie Fortune, William F. McIntosh and Leonard L. McCants to deny, John G. Parsons to deny by proxy, Charles R. Norris not voting, not having heard the case).

FINAL DATE OF ORDER: April 14, 1980

ORDER

The applicant filed a timely motion for Reconsideration of the Board's Order DENYING the application. The grounds for the motion are the exact matters which were considered by the Board at the public hearing. There is no new evidence. Upon consideration of the motion and the Order, the Board finds that the motion fails to state specifically any material respects in which the Final Decision is claimed to be erroneous. The Board concludes that it has committed no error in deciding the application. It is therefore ORDERED that the MOTION for RECONSIDERATION is DENIED.

VOTE: 4-0 (Connie Fortune, Charles R. Norris, William F. McIntosh and Leonard L. McCants to DENY; Walter B. Lewis not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 27 MAY 1980

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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."

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FINDINGS OF FACT:

1. The subject property is located on the north side of Underwood Place between 1st and North Capitol Streets, N.W. and is known as 30 Underwood Place, N.W. It is in an R-2 District.
2. The subject site is 22.81 feet by 120 feet in size and is improved with a single family semi-detached dwelling.
3. The side yard to the west of the subject premises measures six feet. The applicant testified that there is no improved alley to the rear of the subject premises. The plat shows a fifteen foot alley.
4. There is a curb cut between the applicant's premises and his neighbor to the west. A driveway was never constructed to provide access to the rear of either of these properties.
5. The applicant proposes to provide a driveway that will be six feet wide and a parking space that will immediately abut the side lot line and will be 0.48 feet from the dwelling. The Zoning Regulations require that a driveway be eight feet wide and that a parking space be three feet from a side lot line and ten feet from a dwelling. The applicant seeks three variances from all these requirements of the Zoning Regulations.
6. No on-site parking is required under the Zoning Regulations for the subject premises, since it was constructed prior to the adoption of the present Zoning Regulations.
7. The applicant's property is similar to the other dwellings on the north side of Underwood Place. There are curb cuts but no driveways.

8. The applicant testified that most of the home owners on Underwood Place have two or three cars per household. The residences on the south side of Underwood Place have a rear alley and are able to park in their rear yards, but they don't do such. They park on the street including the north side of the street. The applicant further testified that it was impossible for him and his wife to have a parking space on their street. He argues that the proposed parking would alleviate the matter.

9. The applicant submitted to the record a petition with thirty-seven signatures purportedly in favor of his application. Other than the signatures, the petition recites only the sections of the Zoning Regulations for which the applicant seeks variances and his application.

10. The applicant testified that one party on the north side of Underwood Place already has a parking space similar to the one the applicant is seeking. The applicant testified that, in his opinion, if the Board grants the variances, then the rest of his neighbors will file similar applications before the Board since all face the same parking problems.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission - 4B made no recommendation on the application.

#### CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board further concludes that the relief can be granted only if it is demonstrated that it will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that there is no exceptional or extraordinary condition unique to the property. The Board notes the applicant's own testimony that all houses in the vicinity share the same circumstances and same problems.

The Board further notes that the applicant is seeking a 100 per cent variance from the distance of the proposed parking site from the side lot line, a 95.20 per cent variance from the distance of the parking site from a dwelling and a twenty-five percent variance from the width of the driveway. The Board concludes that these are extensive variances and to grant them would substantially impair the intent, purpose and integrity of the zone plan.

