

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13149 of Three J Realty, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the minimum lot area requirements (Sub-section 3301.1) and from the prohibition against allowing parking less than ten feet from a dwelling (Sub-section 7205.2) to construct a flat in an R-4 District at the premises 1327 Wallach Place, N.W., (Square 237, Lot 152).

HEARING DATE: January 23, 1980

DECISION DATE: January 23, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Wallach Place, between 13th and 14th Streets, N.W. in an R-4 District at premises known as 1327 Wallach Place, N.W.

2. The subject site is presently vacant, and is comprised of an eighteen foot wide, eightyfoot deep lot with approximately 1,440 square feet in area. The applicant proposes to construct a flat on the site.

3. Wallach Place, on which the property is located, is developed with row dwellings on both sides, with the exception of the subject lot and an adjoining lot, which are vacant at this time.

4. Access to the premises is available from Wallach Place, and also from a ten foot alley in the rear which runs between 13th and 14th Streets.

5. Pursuant to Sub-section 3301.1, a minimum lot area of 1,800 square feet is required. The applicant provides 1,440 square feet. Thus a variance of 360 square feet or twenty percent is required.

6. The applicant complies with the lot width, lot occupancy and rear yard provisions of the Zoning Regulations.

7. The applicant proposes to provide the off-street parking space required. Pursuant to Sub-section 7205.2, such space shall be not less than ten feet from a dwelling. The space provided will be seven feet from the dwelling. Thus a variance of three feet or thirty percent is required.

8. There was no report from Advisory Neighborhood Commission 1B on this application.

9. The office of Planning and Development by report dated January 4, 1980 recommended approval of the application on the grounds that the location of the parking space will not adversely affect the light and air of adjacent property, and that improvement of the property is likely to have a positive effect on the neighborhood. The need for the requested variances arises from the limited size and shape of the property. The Board so finds.

10. There was no opposition to the granting of the application itself. The Board clarified the misconception of surrounding residents that the proposed use would in fact change the zoning status of the area.

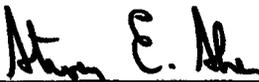
CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty arising out of the property upon the owner. The Board concludes that the shallow depth of the property creates the smaller lot area which causes such a difficulty. The lot is comparable in size to the adjoining and surrounding lots. The Board further concludes that the requested variances can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 3-0 (Theodore F. Mariani, Charles R. Norris, William F. McIntosh to grant; Connie Fortune abstained; Leonard L. McCants not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 31 MAR 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."

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.