

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13167, of Larry Feathers and John Humphrey, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area requirements (Sub-section 3301.1) and from the prohibition against allowing an open parking space within ten feet of a flat (Sub-section 7205.2) for the proposed construction of a new flat in an R-4 District at the premises 706 - 15th Street, S.E., (Square 1077, Lot 95).

HEARING DATE: February 13, 1980

DECISION DATE: February 13, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 15th Street near its intersection with Kentuckey Avenue, in an R-4 zone district at premises known as 706-15th Street, S.E.
2. The subject lot is presently vacant and unimproved.
3. The applicant proposes the construction of a flat on the premises.
4. The site is approximately 1,311 square feet in area. It is twenty feet wide. The alley which is located at the rear of the lot runs at an angle to 15th Street, S.E. This results in a depth of approximately sixty-two feet on the north side and sixty-eight feet on the south side.
5. Pursuant to Sub-section 3301.1, a minimum lot area of 1,800 square feet is required. The applicant provides 1,311 square feet. Thus a variance of 489 square feet or twenty-seven percent is required. There are improved lots on either side and there is thus no means of expanding the area of the lot to make it conforming.
6. The applicant meets the requirements of the R-4 zone with respect to lot width, lot occupancy and rear yard requirements.
7. 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. The applicant proposes to locate the space seven feet from the dwelling. Thus a variance of three feet or thirty percent is required.

8. The applicant testified that a frame dwelling existed on the property at one time, but was probably torn down in the fifties or sixties.

9. Advisory Neighborhood Commission - 6B, by report dated February 11, 1980, supported the application on the grounds that, given the substandard size of the lot, and the prior existence of a frame dwelling on the site, the applicant meets the requirements of Paragraph 8207.11 of the Zoning Regulations. The ANC also state that the lot is comparable in size to other lots in the area. The Board so finds.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact, and the evidence of record, 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 practical difficulty for the owner. The Board concludes the lot was created prior to the adoption of the Zoning Regulations, and that the configuration of the lot at its intersection with the alley creates such a difficulty. The lot area is similar to the lot area of neighboring properties. 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. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (William F. McIntosh, Connie Fortune, Charles R. Norris 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: 21 APR 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.