

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13235 of Lucio Cecconi, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an open parking space within three feet of a side lot line (Sub-paragraph 7205.122) and within ten feet from an existing dwelling (Paragraph 7205.21) in an R-4 District at the premises 1700 Hobart Street, N.W., (Square 2588, Lot 832).

HEARING DATE: May 14, 1980

DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the south side of Hobart Street between Mount Pleasant Street and Irving Street, N.W.
2. The subject property contains 1,842 square feet of land area. The subject site is trapezoidal in shape, having approximately forty feet of frontage on Hobart Street but being only approximately twenty-two feet wide in the rear.
3. The site is developed with a two-story brown brick semi-detached dwelling.
4. The site slopes steeply downhill from Hobart Street at the rear, where it abuts a fifteen foot wide public alley.
5. The site is completely surrounded by row dwellings, except for one semi-detached dwelling immediately to the east. Many of the row dwellings which adjoin the subject property facing on Hobart Street have garages at the rear which are reached from the public alley.
6. The applicant is requesting permission to construct a driveway and parking space in the side yard on the east side of the building.
7. The Zoning Regulations require that a parking space in a side yard be at least three feet from a side lot line and ten feet from a building. The proposed parking space would abut the side lot line and would be seven feet from the building. Variances of three feet each are thus required.

8. The applicant has lived at the subject premises since 1957. The applicant's wife testified that she works at night and has trouble finding a parking space near her home when she returns from work. She testified that she has parked five blocks away from her house on some occasions due to the lack of sufficient on-street parking.

9. The applicant's wife testified that she had been advised that it would cost approximately \$12,000 to excavate a portion of the rear yard near the alley and construct a garage.

10. The lack of on-street parking is a condition common to the neighborhood at large, and is not a characteristic of the subject property.

11. While the topograph of the site is steeply sloping at the rear, the applicant made no showing that a parking space could not reasonably be provided adjacent to the alley at the rear. While the excavation and retaining walls necessary to construct such a parking space involves expense beyond that which would be required if the site were flat, the applicant made no showing that the strict application of the Zoning Regulations created a practical difficulty for them.

12. The topographic condition complained of is also common to many other adjoining properties, many of which already have garages in the rear.

13. The Office of Planning and Development, by memorandum dated April 30, 1980 and by testimony at the hearing, recommended that the application be denied. The OPD reported that the proposed open parking space will have a detrimental impact on neighboring property. The provisions of the Zoning Regulations which govern the location of open parking spaces in proximity to dwellings are intended to minimize vehicular impacts such as noise, fumes, and vibration. The close proximity of the proposed parking space and driveway to the neighboring dwelling to the east will cause an interruption to the privacy enjoyed by its occupants since the construction of the house in 1914. The location of a parking space adjacent to the existing dwelling would create adverse impacts upon the residents of the dwelling during expected periods of quietness and such use would be contrary to the intent and purpose of the Zoning Regulations. The Board agrees with the OPD.

14. A resident of property at 1657 Hobart Street, diagonally across from the subject property, opposed the application on the grounds that construction of the driveway would reduce on-street parking spaces and that the applicant could reasonably construct a garage off the alley.

15. There was no report from Advisory Neighborhood Commission - 1E.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the applicant has demonstrated no exceptional condition of the property which creates a practical difficulty for the owner. The conditions complained of are common to the neighborhood, and are not derived from the property. Furthermore, the Board concludes that the applicant has demonstrated no compelling reason why a conforming open parking space can not be located in the rear yard. The Board concludes that the requested relief cannot 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 DENIED.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Connie Fortune and Leonard L. McCants to DENY; Charles R. Norris 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: 6 OCT 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."