

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13287, of Dreda and Perry Perry, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the number of stories requirements (Sub-section 3201.1) and from the off-street parking requirements (Sub-section 7202.1) to construct a row dwelling in an R-4 District at the premises 2130 Cathedral Avenue, N.W., (Square 2205, Lot 65).

HEARING DATE: July 23, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the west side of Cathedral Avenue in the block bounded on the north by Woodley Road, on the south by Calvert Street and on the west by Woodley Place, N.W.
2. The subject property consists of an unimproved lot, approximately thirty feet wide and eighty feet deep. The lot contains 2383.49 square feet.
3. The property has a large difference in elevation between the front and the rear. The elevation of the curb of Cathedral Avenue in front of the site is approximately 101 feet. The existing grade at the middle of the front lot line, which is about thirty-two feet back from the curb, is approximately 115 feet and the grade at the rear is approximately 139 feet. There is thus almost a forty foot difference in elevation between the front and rear of the site.
4. The applicants propose to construct a row dwelling on the subject site. The dwelling would have three floors and a basement. Since the ceiling of the basement would be more than four feet out of grade at the front, it is considered a story for the purposes of the height requirements. The building therefore would have four stories. In the R-4 District, only three stories are permitted. A variance is thus required.

5. The basement is not a full floor, extending for only a partial depth of the house. The first floor contains an entry foyer, living room, dining room and kitchen. The second floor which is set back from both the front and rear, contains one bedroom and a bathroom. The third floor which is similarly set back, contains two bedrooms and a bathroom.

6. The building is only three stories out of grade at the rear.

7. There is substantial rock and other adverse subsoil conditions on the site that preclude further excavation to reduce the height of the building.

8. There is no direct access to the rear of the property from a public street or alley. There is a private driveway leading from Woodley Place to the rear of the property which is directly behind the subject site. The applicants have been unable to secure the permission of that property owner to gain access to their own rear yard.

9. The substantial difference in grade makes it impractical to provide a garage in the basement of the building.

10. The applicants therefore propose not to provide a parking space on the property itself. Since the Zoning Regulations require one off-street parking space for a single family dwelling, the applicants therefore require a variance from that provision.

11. The applicants propose to seek permission to provide one or two parking spaces in front of the dwelling in public space. Access would either be directly from Cathedral Avenue, or if possible, through a common driveway which serves the five adjacent houses to the north. Approval of such spaces rests with the Department of Transportation. Such spaces cannot be considered as meeting the parking requirement of the Zoning Regulations.

12. There are five existing single family row dwellings which adjoin the subject property on the north. All are in the range of forty feet in height, and the immediately adjacent houses on the north are four stories in height. These houses all have parking in public space in front of the dwellings, as does the abutting residence to the south.

13. Advisory Neighborhood Commission - 3C, by letter dated July 9, 1980, reported to the Board that it determined not to oppose the application. The ANC stated that it believed that the topography of the site creates a practical difficulty, and that the variances could be granted without impairment to the zone plan. The ANC was concerned that any parking spaces provided in front of the dwelling be set back from the curb an adequate distance to provide space for future sidewalks and tree space. The Board concurs with the reasoning and recommendations of the ANC as to the variance. The Board notes however, that jurisdiction over the location of the parking space rests with the Department of Transportation, not the Board.

14. The owners of the abutting properties to the north, south and rear testified at the hearing. The testimony was neither in support of nor in opposition to the application, but rather expressed concern that the adjoining properties not be damaged or otherwise disrupted during and after the construction process, and that use of abutting properties for access was not possible. The abutting property owners to the south also submitted for the record a letter stating opposition to the off-street parking variance until certain requests relating to the possibility of damage during construction were met by the applicants.

15. As to the concerns expressed by the abutting property owners, the Board finds that such concerns are not materially related to the application under consideration. The issues would apply equally to a building being constructed as a matter-of-right requiring no variances.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of some exceptional condition or situation of the property which creates a practical difficulty for the owner. The Board concludes that the lack of rear access, and the extremely rugged terrain of the property and the severe topography of the site create the practical difficulty.

The Board notes the concerns expressed by the owners of the abutting properties. The Board, as set forth in Finding of Fact No. 15, has determined that those concerns are not material to the consideration of this application. The Board however urges the applicant to be mindful of those concerns, and to take all appropriate actions to prevent any adverse effect on adjoining properties.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the application 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.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris and Connie Fortune to GRANT; William F. McIntosh to GRANT by PROXY Leonard L. McCants not present, not voting).

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."

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.