

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13385, of Foster Walker, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7202.1) to use the basement, first, second and third floors of the subject premises as an apartment house of three units in a C-2-A District at the premises 3114 Mt. Pleasant Street, N.W., (Square 2596, Lot 637).

HEARING DATE: November 19, 1980  
DECISION DATE: December 3, 1980

FINDINGS OF FACT:

1. The subject property is located in a C-2-A District on the west side of Mount Pleasant Street between Irving and Kenyon Streets.

2. The property is irregularly shaped, having 22.5 feet of frontage on Mt. Pleasant Street, and a width of 41.94 feet at the rear. There is a ten foot wide public alley adjoining the lot on the north.

3. The property is improved with a three story plus basement brick row structure which extends from side lot line to side lot line.

4. The structure has been used as a flat, pursuant to Certificate of Occupancy No. B-67370, dated April 30, 1970. One dwelling unit was located on the first, and one unit was on the second and third floors.

5. The applicant has renovated the building and proposes to use it as a three-unit apartment house. The first floor one bedroom unit would remain. The second unit would be divided into two two-bedroom units, one each on the second and third floors.

6. The proposed apartment house use is permitted as a matter-of-right in a C-2-A District.

7. One off-street parking space is required for a flat in a C-2-A District. Two off-street parking spaces are normally required for three apartment units. Pursuant to Sub-section 7201.2 of the regulations, the applicant must provide one parking space. The applicant proposes to provide no off-street parking, and therefore requests a variance from the provisions of Sub-section 7202.1.

8. The building on the property occupies almost one hundred per cent of the lot. Because of the irregular shape of the lot, the rear yard is triangular in shape. The point of the triangle touches the alley. Even assuming that the rear yard is large enough to accommodate a parking space, it is not possible to gain access to the rear yard from the alley.

9. The property is located in a commercial area. There would be no adverse impact on the area if one additional car were parked on the street.

10. Only one of the two present tenants has a car. The applicant testified that the tenant indicated that the car can be parked on the street without great difficulty, even though parking is generally in short supply in this area.

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

12. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, 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 irregular shape of the lot and the location of the existing building on the lot creates such a condition. The Board further concludes that strict application of the regulations would create a practical difficulty for the owner, in that it would prevent the property from being used for a use permitted as a matter-of-right. The Board 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 maps.

It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, Connie Fortune and William F. McIntosh to APPROVE; Theodore F. Mariani and Douglas J. Patton to APPROVE by PROXY).

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

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

FINAL DATE OF ORDER: 23 JAN 1981

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.