

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13484 of Roy L. Stuart, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing required accessory parking in front of a dwelling (Paragraph 8205.12) and allowing an open parking space within ten feet of a dwelling (Sub-section 7205.2) to permit modification to an approved set of plans to allow an existing garage to be converted to a family room and the required parking space to be located in front of the dwelling in an R-2 District at the premises 5015 14th Street, N.E., (Square 3977, Lot 93).

HEARING DATE: May 13, 1981
DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 14th and Gallatin Streets, and is known as 5015 14th Street, N.E. It is in an R-2 District.
2. The subject property was one of the first section of eight dwellings constructed as part of a new residential development. It has its own separate garage. The remaining seven houses were constructed with parking pads which go alongside the house to the rear yard. The subject property also has a parking pad in the rear of the property with access from Gallatin Street.
3. The subject property was used as the model house. In the course of selling the homes in the development the garage of the model home was converted into a sales office. When the model home was sold the converted garage sales office was sold as a family room. A concrete apron and a concrete and asphalt driveway from the apron was in existence. The builder testified that he was aware that a variance would have to be requested.
4. The applicant requests permission to leave the existing driveway intact and to use it as his required off-street parking space. He requests two variances, to permit parking in the front yard and parking within ten feet of a dwelling.
5. The original plans for the construction of the subject dwelling with garage were approved May 19, 1978 as in compliance with the Zoning Regulations. No variances were required. The site is flat. Its lot area measures 4,306 square feet.

6. Included in the contract of sale was a provision that a driveway was to be installed in the rear and the existing driveway to be replaced with sod. The former has been done; the latter has not.

7. The applicant testified that he purchased the subject house in preference to the other dwellings because of the existence of the family room and the driveway. His wife is blind and the applicant found the existing amenities of the family room and the driveway leading up to it as special attractive features that would meet the special needs of his handicapped wife.

8. The applicant testified that he was not aware in the beginning that he could not use the property in the state for which he had contracted. Prior to the settlement of the property he became aware that a variance would be required and that the builder was to handle this matter.

9. There was no opposition to the application.

10. Advisory Neighborhood Commission 5A made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances, the granting of which requires proof that there exists a practical difficulty which is inherent in the land itself. The Board concludes that there is no such practical difficulty. The original plans for construction of the subject property were approved as in compliance with the Zoning Regulations. The structure was built new. The site is large for the R-2 District. The land is flat. While the Board is sensitive to the condition of the applicant's wife, a personal difficulty is not a basis for granting the area variances. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-1 (Walter B. Lewis, Douglas J. Patton William F. McIntosh and Connie Fortune to deny, Charles R. Norris opposed 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: 31 AUG 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."