

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13712 of the Community Housing for the Hearing Impaired, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing required parking space to be placed in front of a dwelling (Sub-section 7205.1) in an R-1-B District at the premises 1203½ Otis Street, N.E., (Square 3927, Lot 15).

HEARING DATE: March 24, 1982
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. By letter dated December 7, 1981, the applicant requested an expedited hearing on the subject application. At the Public Meeting of January 6, 1982, the Chair denied the request.

2. The subject site is located on the south side of Otis Street between 12th and 13th Streets, N.E. It is known as premises 1203½ Otis Street, N.E. It is zoned R-1-B.

3. The subject site is rectangular in shape and is approximately 7,500 square feet in area.

4. A six bedroom single-family dwelling is presently under construction on the subject site. Prior to the time construction commenced, the site was vacant. This dwelling, which is funded by the Department of Housing and Urban Development, will house six hearing-impaired adults. The dwelling has special features to accommodate the deaf such as special light systems. The six adult residents will live independantly as a family.

5. The topography of the subject site is not level. The ground slopes upward from Otis Street to the front of the dwelling approximately eight feet and then slopes downward from that point toward the rear of the lot approximately eight feet.

6. Since the property is being developed under a federal grant the Department of Housing and Urban Development requires that the dwelling be accessible to the physically handicapped and that parking be located on the shortest accessible circulation route to the accessible entrance. The applicant provides a barrier-free, first floor with access from the entrance at the front of the dwelling to permit complete access for anyone with a mobility impairment. The requested variance is to allow the applicant to provide a parking space for the physically handicapped in front of the dwelling and thus comply with the accessibility requirement

of the Department of Housing and Urban Development.

7. Construction of the house began September, 1981. Construction could not be delayed after that date or the funding of the project could have been lost because of increased interest rates October 1, 1981. At the initial attempt to secure a building permit it was learned that the architect had misinterpreted the zoning ordinances and that front parking was not allowed. Therefore to expedite the building permit and allow construction to begin, which would also secure the funding, a revised site plan was submitted with parking at the rear. If there had been sufficient time, the applicant would have completed procedural steps for the variance before construction.

8. The applicant has provided a curved driveway generally on a level piece of the property with a turn-around area located in front of the dwelling as a matter-of-right. The applicant proposes to locate the required parking space in this turn-around area. The applicant testified that to provide the parking space at the rear of the dwelling is not practical because of the sloping grade of the property and the alteration of contours necessary to accomplish parking in the rear. The applicant also testified that the cost of providing a driveway along the side of the house and a parking area to the rear of the dwelling is not covered under the project's funding with the Department of Housing and Urban Development and the cost would therefore be prohibitive.

9. In response to an inquiry by the Board at the Public Hearing, the architect for the applicant testified that the parking space could be placed at the side of the dwelling. The architect indicated that the location of the parking space at the side of the dwelling also requires variance relief from the Board.

10. Because of the steep grading of the site, an automobile parked in the proposed space or along the side of the dwelling would not be visible from street level.

11. A representative of Advisory Neighborhood Commission 5A, Robert Artisst, appeared at the Public Hearing and presented a letter signed by the Chairman of the ANC indicating support of the application by a majority vote of the ANC. Mr. Artisst stated that the ANC felt the proposal did not affect the citizens of the area and that the ANC was not opposed to the design of the structure. The Board concurs with the findings and recommendation of the ANC.

12. Sharon Mauney, a resident of 1205 Otis Street, N.E., immediately adjacent to the subject site to the east, appeared at the Public Hearing in support of the application. Ms. Mauney expressed concern about the excavation adjoining her property because of the grading of the site and related soil erosion problems. Ms. Mauney stated that the parking space, as proposed, would not be in front of her house and would be in line with where she parks her car on her property.

13. Ms. Noelle Senerchia, a resident of 1351 Otis Street, approximately one block from the subject site appeared at the public hearing in support of the application. Ms. Senerchia expressed approval of the applicant's grading of the site, the curved driveway and the preservation of existing trees on the site. She felt that with appropriate landscaping the parking space would be invisible to anyone walking or driving by at street level. Ms. Senerchia is a member of the American Horticultural Society, and it was her opinion that the applicant may have a problem with mowing if grass is installed because of the steep slope. She suggested that the applicant use a ground cover, such as periwinkle.

14. Mr. James A. Clark, a resident of 3630 13th Street which is approximately five houses from the subject site, appeared at the Public Hearing in opposition to this application. Mr. Clarke did not oppose the proposed use of the property but he felt that because the facility is located in a residential district it should comply with the restrictions of that district so as not to impact adjoining residential uses. Mr. Clark expressed concern regarding the amount of paving for the driveway and turn-around area, stated that a parked car in the proposed area is visible from the street, and stated that these facts made the structure look like an institution or commercial structure, which is not consistent with the residential character of the area. Mr. Clark suggested, that if the Board approved the application that it require landscaping to screen the parking space and driveway from the street.

15. The architect for the application stated, in response to Ms. Mauney's concerns, that the area adjacent to Ms. Mauney's property was disturbed due to the removal of a large tree which had suffered root damage. He stated that he has spoken to the contractor in this regard and that the final grading is designed to restore the area to its original condition and to make any necessary repairs outside the property line. The Board so finds.

16. The Board requested applicant to submit a landscaping plan for the subject property, a plat showing the actual location and dimensions of the requested parking space, the alternative location of the space at the west side of the dwelling and information from the Department of Housing and Urban Development regarding their requirements for access for the physically impaired. The applicant was instructed to serve this information on the opposition for his comments. The requested information was received in the record on March 31, 1982. No response was received from the opposition.

17. Based on the applicants revised site and landscaping plan, marked as Exhibit No. 29B, the Board finds that the area of the proposed parking turnaround has been reduced by approximately fifty percent. The Board finds that a parking space can be located in the west side yard of the subject property, where the

grade near the front of the dwelling is flat enough to accommodate a nine foot wide by nineteen foot long parking space.

18. Location of the space at the side of the house eliminates the need for a variance from the prohibition in Sub-section 7205.1 against locating a parking space in front of the dwelling. Such a location does require variances from the provisions of Paragraph 7205.121 to be within three feet of a side lot line and Paragraph 7205.21 to be within ten feet of the wall of a one-family dwelling.

19. The side parking space is preferable to the front because it removes the space further from the street, and insures that the space will not be visible.

20. The applicant owns and occupies the adjoining property to the west. There would be no adverse impact on said property by virtue of the location of the subject parking space within three feet of the side lot line.

21. The landscaping plan submitted, when combined with the grade of the site, will adequately shield the parking space from view from the street and sidewalk.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is a 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 topography of the subject site is an extraordinary condition inherent in the property.

The Board notes that the subject property was vacant prior to the initiation of the construction of the subject dwelling by the applicant. The Board further notes that the problems created by the access requirements of the Department of HUD and the topography of the site could have been more properly addressed prior to the construction of the dwelling.

Notwithstanding the applicant's having proceeded with construction, the Board finds that the residential character of the area should be maintained in keeping with the surrounding residential uses. The Board concludes that the location of the parking space at the side of the dwelling will meet the needs of the applicant. The Board further concludes that location of the parking space at the side of the dwelling will address the concerns of the opposition in Finding of Fact No. 14.

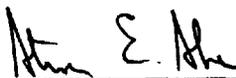
The Board concludes that it has accorded the ANC the great weight to which it is entitled. The Board further concludes that the stated relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map, it is therefore ORDERED that the application is GRANTED subject to the following CONDITIONS:

- a. The parking space shall be located at the west side of the dwelling and shall not extend in front of the dwelling.
- b. The site shall be landscaped in accordance with Exhibit No. 29B of the record.
- c. The contours of the site shall be as shown on Exhibit No. 29B.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis, William F. McIntosh and Douglas J. Patton to GRANT; 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
Executive Director

FINAL DATE OF ORDER: MAY 24 1982

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, INVESTIGATION AND INSPECTIONS.