

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14042 of Bertha Ball, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an open parking space to be less than ten feet from a dwelling (Paragraph 7205.21) and located in part, in front of a dwelling (Sub-section 7205.1) in an R-5-A District at premises 3301 - 22nd Street, S.E., (Square 5895, Lot 55).

HEARING DATE: October 12, 1983

DECISION DATE: November 2, 1983

FINDINGS OF FACT:

1. The subject site is located on the southwest corner of the intersection of Savannah Place and 22nd Street, S.E. The site is in an R-5-A District and is known as premises 3301 - 22nd Street, S.E.
2. The subject lot is irregular in shape. It narrows at the rear or western two-fifths of its depth. The lot has five sides which create a "Y" shape. The lot area is 2,897.59 square feet. The average width of the subject lot is 35.75 feet.
3. The rear portion of the lot has dimensions of 26.50 feet north to south and 35.88 feet west to east. The front three-fifths of the lot gradually widens to 45.0 feet at the lot's eastern frontage along 22nd Street. The east-west depth of this front portion of the "Y" is 50.11 feet. The total depth of the lot as measured along its northern or Savannah Place side is 96.46 feet.
4. The site is improved with a single family semi-detached dwelling, having its detached side on the north. The subject dwelling is a two-story brick structure. The subject structure is approximately ten feet from the front lot line and its dimensions are approximately 26.0 feet in depth and 16.17 feet in width. The site is enclosed with a brick wall on the front or east and with a chain-link fence on the north and west.
5. There is access to and from the subject property through 22nd Street on the east and through Savannah Place on the north. There is no alley access.

6. The subject square is developed with semi-detached dwellings and apartment buildings. The surrounding area is a medium-density residential neighborhood with R-5-A and R-2 zoning.

7. The subject square is not rectangular, causing the lots at its corners to be irregular in shape. Savannah Place approaches 22nd Street at an acute angle, thus truncating the side yard of the subject property on the north. The south side of the property is indented as the subject square curves to conform to the steep topography of the area. The rear yard and side yard of the subject property have a steep slope which could cause potential erosion problems and water drainage problems for adjacent properties if the soil were disturbed by grading. On the north side of the property, there is a ten foot building restriction line that extends along Savannah Place for the length of the square.

8. The subject dwelling is owned and occupied by the applicant, a lady of seventy-six years. The owner has a frequent need to do family shopping in the C-1 District located on the northwest and northeast corners of the intersections of 22nd Street and Savannah Place. The owner utilizes her car for these trips and upon returning to her residence often finds that she is unable to park close enough to her house to carry groceries inside without making several trips from car-to-house.

9. The owner's car has been struck several times while parked on the streets adjacent to her dwelling. The neighbors in the square have experienced similar accidents which appear to be caused by cars leaving the C-1 District and speeding down the hill on Savannah Place. Other neighborhood hazards include the local drug traffic problem which is conducted in parked cars nearby. The applicant's car and dwelling have both been burglarized. Having a parking place on the premises would alleviate the applicant's concerns for her safety.

10. The applicant proposes to construct an open parking space at the northeast corner of the subject lot adjacent to her dwelling. The proposed parking space would enable her to secure her car from theft or accidents. It would also allow her to unload packages from a location that is within a few feet of her dwelling thus protecting her health and safety.

11. The proposed parking space would have dimensions of 18.17 feet in depth and ten feet in width. The space would be located adjacent to the front lot line in order to avoid the narrower portion of the lot to the rear. It would be located 1.5 feet from the side of the house in order to

avoid violating the building restriction line on the north. In this location, the proposed space would intrude into the front yard, and would intrude 8.5 feet into the ten feet of distance required between a dwelling and a parking space. The applicant thus seeks variances from the requirements of Paragraph 7205.21 and Sub-section 7205.1 of the Zoning Regulations.

12. The Board of Zoning Adjustment has the power to grant variances under Paragraph 8207.11 of the D.C. Zoning Regulations, which provides:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such 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.

13. The applicant, with assistance from the Zoning Administrator's Office, considered alternative locations for the parking space in the rear yard or in the side yard. In the rear yard location, the steep slope of the land renders it unsafe for parking. Grading the rear yard to create a parking space would create problems of erosion and water drainage onto adjacent properties.

14. At the side yard location, the problem of steep slope is compounded by the building restriction line that runs parallel to Savannah Place. The irregular shape of the lot brings the building restriction line closer to the rear corner of the dwelling as the lot narrows from east to west. This effectively reduces the buildable area at the rear portion of the side yard to less than the width required for an open parking space.

15. The applicant argued that the proposed location is the only possible location for construction of an on-site parking space. The rear yard and side yard locations are impossible for reasons of topography and building restrictions cited above.

16. The applicant discussed the proposed on-site parking space with adjacent neighbors on the rear and on the south side of the subject property. The neighbors expressed support because they understood the concerns and have experienced the same neighborhood hazards.

17. One of the adjacent neighbors submitted a letter to the record expressing support for the application. The neighbor asserted that she had no objection to the application and would like to see it granted because of the many times that both her car and the applicant's car have been hit on the street adjacent to their homes.

18. There was no opposition to the application.

19. Advisory Neighborhood Commission 8B made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of some unique or exceptional condition of the property which results in a practical difficulty upon the owner. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met this burden of proof in showing a practical difficulty inherent in the property. The irregular shape and steep topography of the subject lot are exceptional conditions which prevent the owner from constructing a conforming parking space in the rear or side yard.

The Board further concludes that permitting the proposed open parking space will not cause substantial detriment to the public good nor will it substantially impair the intent and purpose of the zone plan. The proposed parking space is not objectionable to the neighborhood and will permit an increase in off-street parking in an R-2 District where the security of the residents parking on-street is now a problem. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Carrie Thornhill and Charles R. Norris to grant; Walter B. Lewis and Douglas J. Patton 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: FEB 28 1984

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 CONSUMER AND REGULATORY AFFAIRS.

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