GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14089, of the Tiffany Condominium Association, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an open parking space to be located less than ten feet from a wall of a multiple dwelling containing openings designed to provide light or ventilation for such dwelling (Paragraph 7205.22) in an R-5-C District at premise 1925 - 16th Street, N.W., (Square 190, Lot 126).

HEARING DATE: January 25, 1984
DECISION DATE: February 1, 1984

FINDINGS OF FACT:

1. The subject premises is located on the east side of 16th Street, N.W. between U Street on the north and Caroline Street on the south. The site is in an R-5-C District and is known as premises 1925 - 16th Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are 47.25 feet on the east and west sides and eighty feet on the north and south sides. The lot has an area of 3,780 square feet.

3. The subject site is improved with an eight story apartment building known as the Tiffany Condominium. The subject structure is constructed of brick and concrete block. The structure occupies 2,406.51 square feet or 63.6 percent of the lot area. Seventy-five percent or 2,835 square feet of lot occupancy is the maximum permitted by the Zoning Regulations for an R-5-C District.

4. There is access to and from the subject property through 16th Street on the west and through a public alley on the east. The public alley is ten feet wide and located adjacent to the rear of the subject property. It travels in a north-south direction connecting U Street with Caroline Street.

5. The subject square is developed with rowhouses and apartment buildings. There is a C-2-A commercial strip at the northern edge of the square, along U Street. The remaining 87.5 percent of the square is developed residentially and is zoned R-5-B and R-5-C.

6. The subject neighborhood is developed with residential and commercial corridors. There is an east-west C-2-A corridor on U Street and a north-south C-M-2 corridor on 14th Street. There are north-south R-5-C corridors on 16th Street and New Hampshire Avenue and R-5-B corridors on 15th and 17th Streets. The neighborhood has undergone extensive renovation of its rowhouses and apartment buildings.

7. The subject structure was renovated in 1979 and sold as a condominium. It provides eighteen condominium units but has only three existing on-site parking spaces. The existing three spaces are located adjoining the rear of the dwelling. They are owned and used by unit owners. All units in the condominium are now sold and occupied.

8. On-street parking in the subject neighborhood is scarce and the condominium resident-owners experience a daily search for available parking spaces. The vehicular traffic and parking congestion are increasing as the area develops and more vacant buildings are renovated and converted to condominiums. The population of the neighborhood is increasing and more cars are being brought into the area by residents and commuters. When the subject dwelling was renovated and converted in 1979, there was ample parking on neighborhood streets. As major vacant structures have been renovated and occupied without on-site parking, on-street parking has become scarce. The 16th Street arterial at the west of the subject square is a major commuter route and this increases the traffic and parking problems of the neighborhood.

9. The applicant proposes to provide a fourth on-site parking space in the northeast corner of the site at the rear of the apartment building. The proposed space would be located adjacent to the three existing spaces on a paved concrete pad that occupies the entire rear yard. The existing spaces are perpendicular to the subject structure and measure eighteen feet from east to west and 11.11 feet from north to south. Cars are parked facing the building. The proposed space would measure sixteen feet from east to west and 13.41 feet from north to south.

10. The proposed parking space was originally set aside by the developer of the subject property for use as the site of a large trash dumpster. The Condominium Association, soon after taking control of the building, built an enclosed trash storage area which is located inside a fenced court at the north side of the building. The subject space was thus left vacant and is useless to the Condominium Association because of its location outside the fenced court. Parking is the only use that the Condominium Association has been able to find for the paved area adjoining the public alley at the rear of the building.

11. The existing parking spaces are owned and used by condominium unit owner-occupants who purchased the spaces from the developer when the subject structure was converted to a condominium. The proposed parking space would be owned by the Condominium Association which would lease it to a unit owner.

12. The three existing spaces adjoin the rear of the subject building and were established pursuant to BZA Order No. 12955, dated September 5, 1979, which granted an area variance for the spaces to be less than ten feet from the structure. The proposed space would be located at the northeast corner of the structure. It would face onto a fence that separates the court from the rear yard. The proposed space would require the same zoning relief as the existing spaces, a variance from the prohibition against allowing an open parking space to be located less than ten feet from a wall of a multiple dwelling containing openings designed to provide light or ventilation for such dwelling.

13. The Board of Zoning Adjustment has the power to grant variances under Paragraph 8207.11 of the D.C. Zoning Regulations which provides that 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 other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board may grant 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.

14. Paragraph 7205.22 of the Zoning Regulations provides that no portion of an open parking space shall be located within ten feet of any wall of a multiple dwelling if such wall contains openings designed to provide light or ventilation for such multiple dwelling.

15. The existing apartment structure is so located on the subject lot that there is no location where the proposed parking space would be less than the required ten feet from the wall of the structure. The subject structure has an existing footprint with a modified "L" shape. This footprint leaves a court on the north and a rear yard on the east. The court has 13.41 feet of width and forty feet of depth. The rear yard has 47.25 feet of width and sixteen feet of depth. These two areas are the only open space on the site and both are too narrow to locate a parking space ten or more feet from the dwelling's exterior wall.

16. The windows of the first floor apartment located nearest to the subject parking spaces are five or six feet up the rear wall from the pavement. The first floor is a half-story above ground. There have never been any problems or questions with respect to ventilation during the four years that the existing spaces have been in use. The proposed parking space would be even further from the windows in the rear wall of the building and would not abut the structure directly.

17. There are no ducts or vents from the apartment structure that open onto the rear yard. The main air intake for the building, which services the furnace, is located on the south side of the building away from the parking area on the east.

18. The Condominium Association would have no objection to limiting the width of the proposed space to nine feet, as requested by the Board. Nine feet is the standard width for an open parking space. This limitation of width would leave a space 4.41 feet wide which would be striped and used as a walkway leading to the rear gate of the court. This striped lane on the southern edge of the subject parking space would provide access to the fenced side yard for trash collection and fire emergencies. The strip would be clearly marked "Not To Be Used For Parking."

19. Permitting the subject space to be used for parking purposes would have a positive impact on the neighborhood. The leasing and use of the space by a condo unit owner will alleviate neighborhood parking conditions be freeing one additional on-street parking space which would become available for other neighbors to use. Permitting the Association to operate and control the space will end a situation in which cars are illegally parked in the subject space on a daily basis.

20. There would be no negative impacts on the neighborhood from the proposed use. The subject open parking space is so located that its use would not impede access to any other property in the square. Its use would not impede the flow of traffic in the alley. The access to the proposed space itself is directly from the alley and poses no problems. Each of the four spaces is perpendicular to the alley so that a car can turn directly into any one of the four spaces.

21. The condominium owner-occupants of the Tiffany Condominium have supported the proposed parking space usage because the parking problems affects everyone in the building. The neighbors in nearby properties were approached by the applicant and the subject plans were discussed. The majority of the neighbors approached were in favor of the application.

22. The 1900-16th Street N.W. Block Council submitted a letter of support to the record on January 25, 1984. The organization and its members unanimously supported the application on the grounds that if the application were granted, the Tiffany Apartments and its Condominium Association will be allowed to have an additional legal parking space on the property. This additional space will bring to four the number legally permitted on the Tiffany. The Council reported that at its regular meeting on January 11, 1984, the members thoroughly reviewed the application and found that there were no adverse impacts on the neighborhood from granting the application and that granting the additional parking space will help alleviate some of the present on- street parking congestion in the area. The Board concurs with the reasoning and the recommendations of the 1900-16th Street N.W. Block Council.

23. A representative of the Residential Action Coalition (R.A.C.) testified at the public hearing. The R.A.C. had voted on the application with fifty percent voting to support the application and fifty percent in modified opposition. The group had a list of questions and conditions which if satisfied would change the opponents to supporters. The concerns of the group included:

1. Prohibiting unit owners from renting their parking spaces to people who do not live in the building, especially to commuters.

2. Limiting the grant of the application to a very narrow definition of the conditions under which a condominium is eligible for such rear yard parking space. Such conditions would include:

   a. A stipulation that the eligibility of the subject building for this variance is based on having a certain percentage of the residents who own automobiles and have no place to park, lest all backyards in the neighborhood become paved as parking pads.

   b. A stipulation that the subject building's eligibility is based on its height and density, which are greater than those of the surrounding buildings. This makes the hardship greater than the surrounding buildings.

   c. The existing openness of the alley that makes the subject parking spaces so accessible to light and air would not exist if the properties facing on U Street were to develop the rear of their lots with structures such as garages.

24. The Board finds that the greatest concern of the R.A.C. was to do everything possible to help residents find it agreeable and comfortable to live in the subject area. However, R.A.C. testified that it has seen other private parking spaces in the neighborhood rented to commuters. The organization was anxious to prevent that in the future. Based on these concerns, the R.A.C. gave its qualified support to the application.

25. There was no opposition to the application at the hearing.

26. Advisory Neighborhood Commission 1B made no report 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 a practical difficulty upon the owner ariving out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topography conditions. 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 design and location of the existing apartment structure render it impossible to locate on-site parking on the subject lot that would be ten feet or more from the wall of the dwelling structure, as required by the Zoning Regulations. The Board further concludes that permitting the proposed use will not cause substantial detriment to the public good nor will it substantially impair the intent and purpose of the zone plan. The proposed use would help ameliorate a neighborhood parking problem and permit a reasonable use of private property. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The use of the subject space shall be limited to a unit owner or occupant of the Tiffany Apartments.

2. The width of the proposed parking space as shown on Exhibit No. 2 of the record shall be reduced to nine feet to allow for a pedestrian accessway to the rear entrance of the building. The pedestrian accessway shall be striped and clearly marked as parking prohibited in that area.

VOTE: 3-0 (Douglas J. Patton, Maybelle T. Bennett and Carrie L. Thornhill to grant; William F. McIntosh and 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 - 4 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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