

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14214, of Wynant and Ann Vanderpool, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibitions against allowing an open parking space to be less than three feet from a side lot line (Paragraph 7205.122) and less than ten feet from a dwelling (Paragraph 7205.21) for a proposed driveway and parking space in an R-3 District at premises 1330 30th Street, N.W., (Square 1242, Lot 132).

HEARING DATE: December 12, 1984  
DECISION DATE: January 9, 1985

FINDINGS OF FACT:

1. The subject property is located on the west side of 30th Street, N.W., between O Street on the north and Dumbarton Street on the south. The site is in an R-3 District and is known as premises 1330 30th Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are thirty-two feet on the east and west sides and 120 feet on the north and south sides. The lot has an area of 3,840 square feet.

3. 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 frame structure.

4. There is access to and from the subject property through 30th Street on the east. There is no alley access.

5. The surrounding area is zoned R-3 on all four sides of the site and is developed with row dwellings, semi-detached dwellings and apartment structures. The neighborhood is part of the Georgetown Historic District.

6. The subject dwelling was constructed in approximately 1832. Its historic facade has been preserved. The side yard at the north of the dwelling is paved with brick, as is the sidewalk adjoining the front of the dwelling.

7. The applicants purchased the dwelling in the 1960's and have used it as their residence for almost twenty years. The applicants find that on-street parking in the Georgetown area is difficult to obtain within a short distance of their dwelling. The applicants frequently have to park several

blocks from their dwelling and walk home. Mrs. Vanderpool was mugged while walking home from her parked car within the past year and half. On-site parking would enable the applicants to park safely and to enter their dwelling with greater security.

8. The applicants propose to provide an on-site parking space in the side yard at the north of the dwelling. A driveway and curb-cut would be constructed to provide access to the parking space from the street. The parking area would continue to be paved in brick, as would the driveway leading to the parking area from the street. Two wooden gates would replace the existing brick wall which encloses the side yard. The appearance of the dwelling would remain approximately the same.

9. The side yard on the north side of the dwelling has a width of seven and one-half feet. The location of a parking space in the subject side yard would require variances from the provisions of Sub-paragraph 7205.122 and Paragraph 7205.21 of the Zoning Regulations which prohibit an open parking space from being located less than three feet from a side lot line and less than ten feet from a dwelling in an R-3 District.

10. 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.

11. The existing dwelling is an historic structure which has a side yard too narrow to provide a parking space with sufficient open space remaining on either side to meet the requirements of the Zoning Regulations. There is no access to the rear of the property to provide on-site parking in the rear yard. On-site parking is permitted as an accessory use in an R-3 District. The applicant has practical difficulties in establishing this permitted use because the existing historic structure has a narrow side yard and no rear access.

12. Further difficulties are caused by the existance of a D.C. streetlamp post in line with the north lot line

of the site and a dogwood tree in the side yard that is located twenty feet west of the front lot line. The streetlamp location causes the proposed driveway to be three feet out of line with the proposed parking space. The driveway and the parking space would be connected by a turning space that would allow cars to maneuver the approximately forty-five degree turn from the driveway into the parking space. The turning space would measure eleven feet from north to south and approximately ten feet from east to west. Coordination between the applicant and the Department of Public Works would be necessary if the lamppost were to be moved to the north to allow the driveway to be in direct line with the parking space. Further, the location of the dogwood tree in the side yard prevents the space from accommodating more than one car. No cars will be parked in the driveway, blocking the sidewalk.

13. The applicants argued that there would be no loss of parking to the community. One of the two spaces presently used for parking in front of their dwelling is illegal and undersized. This space would be removed by the proposed curb-cut. The other on-street space would remain. The curb-cut would be coordinated with Department of Public Works to ensure that all legal requirements are met. The applicants noted that they will continue to have to park their vehicle in the area, whether on-street or on their property. The applicants' vehicle will continue to have the impact of occupying one space in Georgetown.

14. The applicants finally argued that there is no alternative possible for providing the on-site parking space in a conforming manner. In addition to the fact that the existing alley in the square does not provide access to the applicant's property, there is a four to five foot difference in grade between the applicants property and the existing alley. Entry from the front of the lot is the only possible access to the subject property.

15. As of March 1, 1985, amendments to the Zoning Regulations will eliminate the need for the variances requested in this application.

16. Advisory Neighborhood Commission 2E, by report dated December 5, 1984, recommended that the application be granted with conditions. The ANC noted that the Historic Preservation element of the Comprehensive Plan specifically mentions the importance of preserving remaining open spaces in historic districts and zoning decisions should not be inconsistent with the comprehensive plan. The ANC was of the opinion that the applicant had a practical difficulty even though this specific piece of property is in excess of the 3,000 square foot minimum required for a semi-detached dwelling in an R-3 District. The location of the existing historic house within 7.5 feet of the side lot line creates

a practical difficulty for this specific piece of property that is not typical of the other houses on this block. The ANC further noted that the applicants could as a matter-of-right construct a garage addition on this side of the existing house without seeking any relief from the Zoning Regulations. The ANC finally noted that the applicants appear to be trying to park on their own property in a manner that would be as unobtrusive as possible to all parties.

17. The conditions proposed by the ANC were as follows:

- A. If permission can be obtained from the Street Lighting Division, the street light be relocated to the south side of the proposed curb cut and the driveway be straight with the curb cut.
- B. The gates would remain closed at all times except when a car is actually pulling in or out.
- C. Absolutely no parking would be allowed in that portion of the driveway that is in front of the gate on public space.
- D. The space would be used to park one passenger vehicle and would not be used for the parking of trailers, boats, or other vehicles of any kind except bicycles.
- E. The driveway and curb cut would be surfaced in brick and the minimum landscaping would be as shown on the applicant's plans.

18. The Board is required by statute to give "great weight" to the issues and concerns of the ANC when those issues and concerns are reduced to writing in the form of a report. The Board concurs with the reasoning of the ANC as to the practical difficulty. The Board does not agree with the ANC that conditions need to be imposed on the approval of the application. Condition A, as recommended by the ANC, is not within the jurisdiction of the Board but must be resolved with the Department of Public Works. Condition C is a matter for enforcement not through the zoning process but through the laws applicable to public space. Condition E is not necessary since under the rules of the Board, approval is limited to the plans in the record. Conditions B and D are unenforceable as a practical matter.

19. Three neighbors submitted letters of support to the record. The support was based on the sentiment that the

proposed open parking space would not be objectionable to the neighbors.

20. There was no opposition to the application either at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical 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 applicants have met this burden of proof in showing a practical difficulty inherent in the property. The location of the existing historic dwelling within 7.5 feet of the side lot line creates a practical difficulty for the subject site that is not typical of the other dwellings in the square. The relief requested will enable the applicants to establish an on-site parking space on their residential property in a reasonable manner.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The granting of these area variances will permit a reasonable use of private property which has the support of ANC 2E and of interested neighbors. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by law.

The Board notes that there are issues raised in the record of this application regarding public space that are within the jurisdiction of the Department of Public Works. These items must be resolved by the applicant and the DPW. By its approval of the variances granted in this order, the Board takes no position on those issues, and leaves their resolution to the applicant and the DPW.

Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-1 (Charles R. Norris, William F. McIntosh, Douglas J. Patton and Carrie L. Thornhill to grant, Lindsley Williams opposed).

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

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

FINAL DATE OF ORDER: 20 FEB 1985

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.

14214order/DON10