

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15144 of Eric B. Johnson, pursuant to 11 DCMR 3107.2, for a variance from the prohibition against allowing an open parking space in the front yard [Paragraph 2116.2(b)] for a dwelling in an R-5-B District at premises 1504 Park Road, N.W., (Square 2675, Lot 301).

HEARING DATE: October 11, 1989
DECISION DATE: October 11, 1989 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the south side of Park Road, N.W. between Hiatt Place and Pine Street, N.W. It is known as premises 1504 Park Road, N.W. and the site is located in an R-5-B District.

2. The land area of the property is 1,955 square feet. It has a depth of 115 feet and a width of 17 feet. It is rectangular in shape. The property is improved with a row dwelling that contains three stories and a basement. It was constructed in 1900.

3. The general land use character of the area is medium density residential. The subject site is situated between two densely developed transportation corridors. Sixteenth Street to the west contains high-rise apartment buildings. To the east at the intersection of 14th Street and Park Road is a mixed-use area. The Columbia Heights Metrorail Station is proposed for the intersection of 14th and Irving Streets. The executive office and related recreational facilities for the D.C. Department of Recreation are located southeast of the site.

4. The north side of Park Road, between 14th and 16th Streets, is predominantly developed with apartment buildings. The land uses on the south side of the street include commercial establishments, single-family homes, apartment houses and an institutional facility - Shrine of the Sacred Heart Church. The area is compactly developed.

5. The applicant proposes to construct a concrete parking pad in the front yard of the property. The applicant maintains that parking on the street is very difficult because the many apartment buildings in the area do not provide parking for their tenants. Also, numerous commuters take the available parking spaces early in the morning and there are no residential parking privileges implemented in the area.

6. The applicant stated that parking in the rear of his property is not possible because there is inadequate space for a

vehicle to access the rear of the property. He indicated that there is an apartment building located five feet from his rear fence. This five-foot area is a walk-way and is too small for vehicular passage.

7. The applicant pointed out that his property is one of six row houses on that portion of Park Road. Four of the lots have space for parking at the rear. Two of the lots 1504 Park Road (the applicant's lot) and 1502 Park Road (the lot to the right of the applicant's property), are blocked by the closeness of the apartment building. This factor contributes to the uniqueness of the applicant's property.

8. The Office of Planning (OP), by report dated October 4, 1989, recommended denial of the application. OP pointed out that the building restriction line exists between the applicant's property and the sidewalk in front of the lot. The proposed parking pad would extend beyond this line by approximately 10 feet.

9. Two curb cuts would also be required for access to the parking pad. OP notes that in the 1500 block of Park Road, N.W., there are no curb-cuts nor driveways provided to the single-family or multiple unit dwellings. A curb cut does exist west of the site which provides access from the street to a 10-foot wide public alley.

10. OP also noted that Park Road, N.W., between 14th and 16th Streets, is a minor arterial that is heavily travelled. Traffic flows one way-east to west. An automobile maneuvering in and out of the proposed driveway could be disruptive to the flow of traffic and could potentially cause pedestrian and/or vehicular accidents.

11. In OP's opinion, the applicant is faced with a practical difficulty in his inability to gain access to the rear of his property by a vehicle. However, OP believes that to construct a parking pad in the front yard would be a substantial detriment to the public good and would impair the intent, purpose and integrity of the Zoning Regulations and Maps.

12. The Department of Public Works (DPW), by memorandum dated October 6, 1989, also recommended that the proposal be denied. Like the Office of Planning, DPW noted that to use the parking pad, the applicant would have to back his vehicle in and out on the south side of the street across the sidewalk area. There is parking on the southside and this backing out maneuver would be dangerous because of the restricted sight distance afforded by the parked cars. The maneuver could create conflicts with vehicular as well as pedestrian traffic. DPW noted that their field survey shows that Abraham Lincoln Junior High School is located one-half block south of the site, therefore, a large amount of pedestrian activity is expected in this area.

13. DPW stated that the proposed parking pad would extend beyond the building restriction line and two on-street parking spaces would have to be eliminated to allow for the curb cut. This curb cut is undesirable and does not conform with the existing streetscape.

14. It is the opinion of the Department Public Works that there is ample on-street parking on Park Road in the vicinity of the site to accommodate the parking demands of this residential unit.

15. Advisory Neighborhood Commission (ANC) 1A, by letter dated September 20, 1989, recommended approval of the application. The ANC's position was based on the lack of neighborhood opposition. No further comments or issues were received from the ANC.

16. The Board finds that, although no opposition was expressed, the subject application raises issues that would create a substantial detrimental impact on the public in the area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a variance to allow an open parking space in the front yard of his property located in an R-5-B District. The granting of a variance 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 to grant the application will not be of substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has not met the burden of proof. The Board concludes that the lack of an easement or alley access at the rear of the applicant's property is a unique condition which creates a practical difficulty for the applicant in the use of his property. However, the Board concludes that to allow a parking pad in the front yard would be of substantial detriment to the public good due to the inability to maneuver the vehicle and maintain the safety of passers-by and the disruption to the flow of traffic on the street.

It is the opinion of the Board that the elimination of two public parking spaces to create one private space would impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

The Board concludes that it has afforded the ANC the "great

BZA APPLICATION NO. 15144
PAGE 4

weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 5-0 (Charles R. Norris, Lloyd D. Smith, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTE BY: _____


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

JAN 25 1991

UNDER 11 DCMR 3103.1, "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."

O15144/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15144

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated JAN 25 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mr. Eric B. Johnson
1504 Park Road , N.W.
Wash, D.C. 20010

Ted Miller, Chairperson
ANC-1A
3511 14th Street, N.W.
Wash, D.C. 20010

A handwritten signature in black ink, appearing to read "Edward L. Curry".

EDWARD L. CURRY
Executive Director

DATE: JAN 25 1991