

PUBLIC HEARING--December 16, 1965
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Appeal #8029 Associated Limited Partnership, appellant

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Clouser and Mr. Davis dissenting, the following Order was entered on December 22, 1965:
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ORDERED:

That the appeal for a variance from the requirements of Section 7204.1 of the Zoning Regulations to permit parking space less than nine feet in width; for a waiver of Section 7205.22 of the Zoning Regulations to permit off-street parking less than 10 feet from the wall of multiple dwelling; and for a variance from the provisions of Section 7206.7 of the Zoning Regulations to reduce entrance of driveway to less than 14 feet in width and to utilize off-street parking space aisle for loading berth purposes at 2716 Wisconsin Avenue, N.W., lot 809, square 1932, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

- (1) Appellant's lot has a frontage of 60 feet on Wisconsin Avenue, extends back 144 feet in depth of a proposed public alley, and contains an area of approximately 8640 square feet of land.
- (2) Appellant states that the alley at the rear of the property is unimproved, and that the construction of a public alley at this locate is quite remote.
- (3) Appellant's exhibit which shows a site plan with provision for a 12 foot wide driveway through the first floor area with a lighting device installed in each end of the drive so that one-way traffic will be provided.
- (4) Appellant's building will be nine stories in height and will contain 34 efficiency and 28 one-bedroom units for a total of 62. It is proposed that all units in the building will be furnished.
- (5) Appellant's exhibit showing elevation at the various located along the proposed alley which tends to show the difficulties which would be encountered in improving the alley to serve the subject site.
- (6) Appellant's exhibit showing that it is not practicable to solve the parking problem by location of an underground parking garage.
- (7) Appellant's exhibit showing that the parking proposed will be quite adequate for the needs of the residents of the subject ~~xxx~~ property. Appellant has provided twenty parking spaces on the rear of the property.
- (8) A study which shows the extent to which compact parking is used in this area.
- (9) Appellant contends that a waiver of the nine foot width requirements for the parking spaces is required by reason of the dimension of the lot, and that the establishment of an underground parking garage is not possible to provide parking and loading both fully meeting requirements of the Zoning Regulations.

(10) Appellant states that the reduction in width of the driveway to 12 feet in lieu of the 14 feet required by the Zoning Regulations is necessary to provide a driveway opening through the building at the first floor level. This driveway is required because the public alley at the rear of the property cannot be improved for alley purposes because of the topographic conditions.

(11) Appellant's exhibit showing that a waiver is required to permit parking within ten feet of the wall of the multiple dwelling.

(12) Appellant states that the loading berth required is of no practical use as the apartment units will be rented as furnished units and therefore the tenants will not be required to move furniture in and out.

(13) Appellant's exhibit showing apartments on Wisconsin Avenue in this area with the number of units and the amount of parking provided.

(14) Appellant's survey of buildings on Wisconsin Avenue in this area indicating three conventional size cars for each compact.

(15) There was objection to the granting of this appeal registered at the public hearing.

OPINION:

It is the opinion of the Board that appellant has failed to prove a case of hardship within the meaning of the variance clause of the statute. Appellant's lot is rectangular in shape, has no particular narrowness, shallowness or shape, nor does it have any exceptional topographical conditions or other extraordinary or exceptional situation or condition which would preclude appellant erecting a building and meeting all requirements of the Zoning Regulations.

In view of the above we are of the further opinion that this relief cannot 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.