

PUBLIC HEARING--Sept. 22, 1965

Appeal #8360 Jacques and Patricia Ivaldi, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

ORDERED:

That the appeal for a variance from the provisions of para. 7202.1 of the Zoning Regulations to permit waiver of four required off-street parking spaces to permit establishment of a private oriental art school with a maximum of twenty students at 5123 MacArthur Blvd. N.W., lot 847, square 1419, be granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot, which is located in the C-1 District, has a frontage of 25.12 feet on MacArthur Blvd. and a depth of 100.13 feet to a sixteen foot wide public alley in the rear. The lot contains an area of 2505 square feet of land.

(2) The proposed oriental art school is permitted as a matter-of-right in the C-1 District.

(3) Regulations require two off-street parking spaces for every three instructors and one space for every ten students. The school will have three instructors and intends to have a maximum of 20 students at any one time. Four spaces are required under the Zoning Regulations.

(4) Appellant states that it is impracticable due to grade conditions and necessary grading to provide these spaces in the rear. He states that it is possible to provide one space. He further states that two of the instructors do not own automobiles and that the size of the classes will probably not exceed ten students at any one time for probably years to come.

(5) There was one letter in opposition to the granting of this appeal from the owner of premises 5186 Fulton Street which is well removed from the premises in question. Appellant's adjoining property owners and those in the rear of the premises on Fulton Street have no objection.

OPINION:

In view of the limited usage proposed for the premises and the further fact that only one instructor will utilize an automobile and due to topography existing on the premises, we are of the opinion that appellant has proven a hardship within the provisions of Sect. 8207.11 of the Zoning Regulations, and that the requiring of these parking spaces will result in undue hardship ~~upon~~ upon the owner. We are further of the opinion that this 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.