

PUBLIC HEARING—October 13, 1965

Appeal #8408 Eleanor M. Chadwick, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 19, 1965:

ORDERED:

That the appeal for a variance from the provisions of paragraphs 7205.2 and 7204.1 of the Zoning Regulations to permit parking space less than ten feet from main building and less than 9' x 19' in size, and for permission to park on a lot other than that which the main building is located to permit conversion of building into a thirteen-unit apartment house at 1747 and 1749 Church St. N.W., lots 331 and 285, square 156, be granted conditionally.

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 R-5-B District has a frontage of 36.82 feet on Church Street and a depth of 95.00 feet to a public alley twelve feet wide at the rear. The lot contains an area of approximately 3515 square feet of land.

(2) Appellant's lot is improved with a three-story and basement building in which he proposes to convert from 7 apartments to 13 apartments, which requires three parking spaces.

(3) The distance from the rear of the building to the alley line is 12 feet and the alley is 12 feet in width. In order to provide two parking spaces at the rear of building requires that the cars will be less than 10 feet from the main building and due to narrowness of the lot he can provide spaces 18.4 x 9 feet. He also will provide two legal size spaces on the lot adjoining to the west which is lot 285.

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

OPINION:

We are of the opinion that appellant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations, and that a denial of his appeal would result peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the appellant. However, in order to make these parking spaces a permanent part of this conversion, the following condition is mandatory to the granting of this appeal:

(a) The parking spaces authorized under the terms of this Order are required spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires that the area approved for required off-street parking shall be reserved exclusively for that purpose so long as the improvements to be served exist or so long as said accessory off-street parking is required by the Zoning Regulations.