

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING—October 13, 1965

Appeal #8411 John J. Boyle, appellant.

The Zoning Administrator District of Columbia, appellee.

Upon 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 requirements of paragraph 7201.3 of the Zoning Regulations to permit waiver of two off-street parking spaces and for a variance from the provisions of paragraph 5305.2 of the Zoning Regulations to permit alterations affecting light and ventilation onto a nonconforming court at 3403 M St. N.W., lot 53, square 1204, be denied.

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-2 District, has a frontage of 30 feet on M Street, a depth of 70 feet to a ten foot wide public alley in the rear, and contains an area of 2100 square feet of land.

(2) Appellant's lot is improved with a two-story and basement building in which appellant desire to convert from two apartments (one per floor) to a total of six one-bedroom apartments (three per floor). In order to make this conversion appellant is required to provide two off-street parking spaces. Inasmuch as the building extends to the alley line there is no space on the lot or within the building to provide these spaces and he therefore asks for a waiver of the required parking. The first floor of the building is utilized as a restaurant.

(3) Appellant also requests a variance from the provisions of paragraph 5305.2 of the Zoning Regulations which reads: "In the case of an alteration affecting the amount of light and ventilation required by other municipal law or ~~reg~~ regulation in an existing structure in a Commercial District, no legally required window shall be permitted to open onto a court which does not comply with the dimensions given in paragraph 5305.1 of the Zoning Regulations. Appellant's court is only 4.5 feet in width.

(4) There was objection to the granting of this appeal registered at the public hearing by the Citizens' Assn. of Georgetown and by other property owners.

**OPINION:**

We are of the opinion that appellant has failed to prove a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations and that the proposed occupancy of this premises is excessive and is located where off-street parking spaces are highly desirable and necessary.

We are further of the opinion that the premises, which contains a bar on the street level and because of its attraction of activities and late

hour use, the Board feels that the premises which are also deficient in providing the required parking and the minimum specified courts and open space for lighting, ventilation to be appropriate for additional dwelling units.

In view of the above it is our 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.