

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal #8617 through 8626 Herman and Lorraine Schmidt et al, appellants

The Zoning Administrator District of Columbia, appellee

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on March 4, 1966.

EFFECTIVE DATE OF ORDER: April 12, 1966

ORDERED:

That the appeal for permission to erect groups of garden type apartment buildings as single buildings, a variance from the FAR, lot occupancy, and side yard requirements, paragraph 3307.1, and for permission to locate off-street parking spaces anywhere on the lot upon which the main buildings are located at Atlantic and Barnaby Streets, S.E., lots 1 through 32 inclusive and lot 76, square 6157, be granted.

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

- (1) Appellant's property is located in the R-5-A District.
- (2) Appellants propose to erect garden-type apartment buildings within division walls.
- (3) Appellants request an FAR of .9 instead of .65, which is prescribed by the Zoning Regulations.
- (4) Appellants' proposed buildings will occupy 30% of the lot area instead of 25% as prescribed by the Zoning Regulations.
- (5) Appellants' property has an irregular shape and consists of severe grades.
- (6) Appellants assert that the topography prevents their providing 100% parking on the property and providing two side yards for each group of buildings, each of which is 20 feet in width.
- (7) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

The Board is of the opinion that the appellants have proven a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations. Such hardship is evidenced by the topographical problems confronted in the area and the irregular shape of appellants' property. In the Board's view

the waiver of the side yard requirements and the FAR of .9 with an excessive lot occupancy will not result in a detriment to the public good and such relief may be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board also finds that the appellants have proven a hardship within the meaning of the variance clause of the Zoning Regulations as it is impracticable to locate the parking spaces in accordance with Section 7205.31 of the Regulations. Further, the proposed parking lots furnish reasonable and convenient parking facilities for the occupants of the structures which they are designed to serve. The proposed parking will not adversely affect adjoining property.

Finally, the Board concludes that the erection of this group of apartment buildings will not affect adversely the present character or future development of the neighborhood. The apartment buildings, located in the R-5-A District will be in harmony with the general purpose and intent of the Zoning Regulations.