

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- April 13, 1966

Appeal No. 8698 Stanley Tretick, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on April 27, 1966.

**ORDERED:**

That the appeal for variance from the street frontage requirements of the R-1-A District and variance of provisions of 7205.31 to permit parking in front of single family dwelling adjoining 2951 Arizona Avenue, NW., lot 922, square 1426, be denied.

**FINDINGS OF FACT:**

- (1) The property is located in an R-1-A District.
- (2) The subject property was subdivided on February 10, 1966 and purchased by the appellant on February 18, 1966.
- (3) This property is subject to Paragraph 3301.5 approved on February 16, 1966 which requires that each lot created after that date shall have a street frontage measured along the street a distance of at least 40% of the required minimum width of lot and in no case less than 14 feet. In addition, Paragraph 7205.12 requires that accessory parking spaces on an open area of the lot are restricted to the rear yard or a side yard and shall not be less than 3 feet from the side lot line.
- (4) Appellant contends that he is entitled to a variance because:
  - (a) The District of Columbia Surveyor's Office as late as February 10, 1966 advised him that this subdivision was in order. He purchased the property on February 18, three days after the zoning amendment became effective, and without knowledge of the change.

(b) The steep topography, which allegedly prevents proper access to the rear of the property. He requires a variance to establish an accessory parking area in the required front yard.

(5) The record contains a copy of a topographic map prepared by Maddox and Hopkins revised February 2, 1966, and shows topography, proposed new property, and rights of way.

(6) The record contains letters in support and in opposition to the proposal.

OPINION:

The Board is of the opinion that appellant has no basis for justifying a request for variance based solely upon the fact that an amendment to the Zoning Regulations (ZC No. 65-131, dated February 15, 1966) and requiring certain specific regulations for street frontage was made while the plan was being prepared. This amendment to the Regulations was made in accordance with the provisions for amending the zoning ordinance. The records leading to the adoption of the amendment to the Zoning Regulations clearly establishes that the purpose of the amendment is to limit this very form of land subdivision and its concomitant problems. Therefore, the Board cannot act favorably on this appeal within the intent and purpose of the Zoning Regulations.

As the second variance requested dependent upon granting of the first requested variance, which is denied, the Board cannot grant a parking variance.