

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- October 12, 1966

Appeal No. 8942 Thomas Ottenstein, et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr. William F. McIntosh not voting, the following Order was entered at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER -- March 20, 1967

ORDERED:

That the appeal for a variance from the requirements of Section 7202 to permit waiver of not more than ten off-street parking spaces for apartment at 3103-3105 Bruce Place, SE., lot 49, square 5876, be denied.

FINDINGS OF FACT:

(1) At the October, 1966 hearing the Board granted appellant's motion to postpone public hearing to November 16, 1966.

(2) Appellant's property is located in an R-5-A District.

(3) The building is completed and occupied. Appellants state that a large portion of other property on Bruce Street is owned by the District of Columbia and that a school will be erected there.

(4) The subject site is very steep and appellants sought an easement of approximately 15 feet across the government land. The request was refused.

(5) According to the appellants, the Building permit was obtained on the basis of the plans contained in the Board's file but to conform to the plans would require the construction of a retaining wall on the side of the property that would cost approximately \$8,500.

(6) The plans on file show three buildings: Building #1 has 12 apartments and provides 12 parking spaces; Building #2 has 12 apartments and provides 12 parking spaces; Building #3 has 28 apartments and provides 29 parking spaces.

(7) Section 7202 of the Zoning Regulations requires that one parking space be provided for each dwelling unit in the R-5-A District. Fifty-two parking spaces are required and appellant cannot provide that number.

(8) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

It is the opinion of the Board that appellants have failed to prove any hardship within the provisions of the variance clause of the Zoning Regulations to permit the waiver of the required parking spaces. The asserted hardship appears to be of the appellant's own making. No one of the statutory grounds for a variance which are set forth in the variance statute have been alleged or proved, and the Board therefore has no alternative to a denial of the appeal for a variance.