

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARINGS-- March 22 and May 17, 1967

Appeal No. 9124 Peter Belin, 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 May 22, 1967.

EFFECTIVE DATE OF ORDER -- July 14, 1967

ORDERED:

That the appeal for permission to locate open parking space in front of dwelling less than 10 feet from structure and less than 3 feet from the property line at 1601 - 28th Street, NW., lot 805, square 1285, be granted as amended.

FINDINGS OF FACT:

- (1) The subject property is located in an R-1-B District.
- (2) An exterior inspection of the property was made on March 21, 1967. This is a corner property and improved with an old two-story brick house with a small side yard at the north end of the property .
- (3) After the original hearing on March 22, 1967, the Board at its meeting of March 28, 1967 denied this appeal believing that there might be a better solution to the parking problem at this site.
- (4) At the public hearing on May 17, 1967, appellant presented an alternate plan for the parking.
- (5) The alternate plan will make use of the driveway on the adjacent lot 806 to gain access to a parking space at the rear of the subject premises. The appellant owns both properties and is, therefore, in a position to guarantee continued access. However, the parking will still be within three feet of the property line and within ten feet of the structure.

(6) The rear yard of the subject property is already developed with some extensive planting and it is proposed to further landscape the property for a formal garden.

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

OPINION:

The Board accepts the alternate plan presented by appellant at the May 17, 1967 public hearing.

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that denial of the requested relief will result in peculiar and practical difficulties and undue hardship upon the owner.

The granting of this variance to permit off-street parking within the side yard and within ten (10) feet of the dwelling can be done 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. The granting of this relief will have no adverse affect upon nearby and adjoining property.

The action of the Board is subject to the revision of the deeds to provide an easement over lot 806 to serve the parking on lot 805.