

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- April 12, 1967

Appeal No. 9174      McGuire Funeral Home, 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 18, 1967.

EFFECTIVE DATE OF ORDER - September 7, 1967

ORDERED:

That the appeal for a variance from the provisions of Sections 6302.3 and 6303.1 (side and rear yards) to permit a one-story rear addition to funeral home and for accessory auto parking on lots 193-196 inclusive at 907-913 Westminister Street, NW., to serve funeral home at northwest corner of Westminister and 9th Streets, NW., lots 240-244 inclusive, square 362, be conditionally granted.

FINDINGS OF FACT:

- (1) The property involved is in an R-4 District.
- (2) Appellant is the owner of a funeral home located at the northwest corner of Westminister and 9th Streets, NW. and has operated the establishment since the 1920's.
- (3) In Case No. 66-49 the Zoning Commission changed the zoning of the property where the funeral home is located from R-4 to C-M-1. This change was effective on July 15, 1966.
- (4) Appellant proposes to remodel the existing funeral home and to construct a one-story garage across the rear of the property which abuts a fifteen (15) foot public alley.
- (5) In connection with the improvements, appellant proposes to provide off-street parking for patrons of the establishment.
- (6) The proposed parking will be on four lots which front on Westminister Street, having each an 18.75 foot frontage and a depth of 82.50 feet.

(7) The Department of Highways and Traffic makes the following report:

"An investigation of this request reveals that ingress and egress to the accessory parking lot will be from an existing 15 foot public alley and a new driveway from Westminister Street. Access to the garage in the rear of the funeral home building will also be from the 15 foot public alley.

"The Department of Highways and Traffic, therefore, offers no objection to the granting of the special variance requested in Appeal No. 9174. The additional accessory parking area for use of the funeral home and added off-street garage parking for funeral service vehicles should create no traffic problems on Westminister Street or within the abutting public alley."

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

(9) Section 6302.4 of the Zoning Regulations provides that "where the rear lot line of a lot abuts a Residence District or is separated only by an alley from a Residence District the waiver contained in Paragraph 6302.2 shall not apply and a rear yard shall be provided from the ground up."

(10) Section 6303.1 provides that "no side yard is required on a lot in an Industrial District, except where a side lot line of such lot abuts a Residence District. In such case a side yard shall be provided along such side lot line with a minimum width of at least three inches per foot of height of building but not less than eight feet."

OPINION:

We are of the opinion that appellant has shown a hardship sufficient to support a variance from the side and rear yard provisions of the Zoning Regulations and that a denial of the requested relief will prevent a reasonable use of the property as zoned. The granting of this appeal will not adversely affect the use of nearby and adjoining property and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The accessory off-street parking spaces cannot be located on the same lot as the funeral home as the structure occupies almost all of the lot. The proposed parking is separated from the funeral home by only a 15 foot public alley. These accessory parking spaces are so located that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions. The proposed parking will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. In addition, the lot for the parking is within reasonable proximity to the location of the premises which the accessory parking will serve.

This Order shall be subject to the following conditions:

- (a) The accessory parking lot shall be paved with an all-weather impervious surface.
- (b) Appellant shall erect a forty-two (42) inch brick around the street frontage of parking lot except driveways.
- (c) Any lighting used to illuminate the parking lot shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
- (d) Appellant shall provide a covenant running with the land that will require these off-street parking spaces to be maintained and available so long as the premises at the northwest corner of Westminister and 9th Streets, NW. are used as a funeral home.