Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - August 16, 1967

Appeal No. 9286 Al Morgan, 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 August 16, 1967.

EFFECTIVE DATE OF ORDER - November 26, 1968

ORDERED:

That the appeal for a variance from the provisions of Sections 7205.2 and 7205.12 to permit parking spaces less than 10 feet from building and 3 feet from lot line or in the alternative waiver of one off-street parking space at 3245 O Street, S.E., lot 811, Square 5539, be conditionally granted for the parking and denied for the alternative.

FINDINGS OF FACT:

1. Appellant's lot is in an R-1-B District.

2. The lot has a frontage of 60 feet on O Street, S.E., a depth of 110 feet, contains an area of 6,300 square feet, and is improved with a detached single-family dwelling.

3. There is no public alley access to the property.

4. Appellant proposes to provide an 8-foot 6-inch wide driveway from O Street on the north side of the lot for the parking of his automobile.

5. Appellant erected a concrete driveway for the parking area in 1958 prior to the requirements for off-street parking spaces. He also testified that there is a new construction in the neighborhood with no off-street parking. He erected a brick wall with a filigree type grating which encloses the parking area and an iron gate entrance. From the rear of this wall to the rear of the lot he erected a Dubois fence.

6. After construction of this parking area it was discovered that the parking area for the automobile did not meet the requirements of Section 7205.12 and Section 7205.2 of the regulations which require that the parking be at least 3 feet from the lot line and 10 feet from the main building.

7. The building was erected with steps to the basement which precludes entrance to the rear yard, and later an air conditioning unit which precludes entrance to the rear yard.

8. There were letters in protest to the granting of this appeal. There was a petition filed with 12 signatures from residents on O and 38th Streets recommending approval of the appeal.

OPINION:

From the records and the evidence adduced at the hearing, the Board is of the opinion that appellant has proven a hardship within the meaning of the variance clause of the regulations, and that a denial of the appeal will result in peculiar and exceptional practical difficulties, and undue hardship upon the owner. We are further of the opinion that this relief, as conditionally granted, will not result in substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board denies the waiver of off-street parking and the parking as provided is granted.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: Charles E. Morgan
CHARLES E. MORGAN
Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.