Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 13, 1967

Appeal No. 9338 Eli Busada, et al, appellants.

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 September 19, 1967.

ORDERED:

That the appeal for a variance from the provisions of Section 7202 to permit waiver of off-street parking for dwellings at 3512, 3516 and 3520 Pope Street, S.E., lots 43-45 inclusive, Square 5534, be denied.

FINDINGS OF FACT:

1. Appellants' lots are located in the R-1-B District.

2. The lots have a frontage of 49 feet on Pope Street and depths varying from 119.49 feet to 122.85 feet. The lots contain areas of 6,150, 6,200 and 6,231 square feet and are improved with three detached single-family homes. There is no public alley provided at the rear of the properties.

3. Each of the three dwellings has an 8-foot wide side yard on one side and a 13-foot wide side yard on the other, which gives ample room for a driveway to the rear of the property.

4. Appellant states that inasmuch as there is no public alley in the rear of these dwellings he would have to provide access from the front over filled ground, and that he would have to provide pilings to get a paved area solid enough to provide these driveways.

5. The dwellings in question are nearly completed and test borings were made prior to the construction. The buildings required no less than 13 piles to a depth between 23 to 25 feet. Appellant contends that the provision of driveways is not feasible but can be done by the use of pilings but at a cost disproportionate to any advantages that might result from waiver of off-street parking requirements.

6. The topography of the properties indicates a decrease of about 5 feet in 40 feet, or about 1 to 8, or a foot drop of 5 to 8 feet.

7. Test borings were made prior to construction which indicated stable ground would be reached without too serious a problem. When the work began it was as much as 23 feet before a solid foundation was reached.

8. There was objection to the granting of this appeal registered at the public hearing.

OPINION:

The records and evidence in this case indicate first that although there is no public alley access to the rear of these lots there are side yards of 13 feet on each of these lots which will give adequate space to provide a driveway to the rear of the property for automobile parking, and second appellant had knowledge of the soil conditions existing on this property as well as Zoning Regulation requirements for off-street parking prior to construction. He also had an alternative of designing the buildings to provide parking within the buildings themselves.

We are therefore of the opinion that appellant has failed to prove a case of hardship within the meaning of the variance clause of the regulations. There are no unusual topographic conditions nor is there any exceptional narrowness, shallowness or shape of the specific properties. It is our opinion, therefore, that appellant could and should have recognized the conditions existing on the property and the requirements of the regulations before the property was developed. It is our further opinion that off-street parking can be provided as required by regulations. Therefore, in our opinion, the granting of this request will result in substantial detriment to the public good and will substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is the conclusion of the Board therefore that appellant must provide the required off-street parking as set forth in the Zoning Regulations.

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

ATTESTED:

By: Charles E. Morgan

CHARLES E. MORGAN
Secretary of the Board