

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - November 22, 1967

Appeal No. 9422 Joseph C. Fleig, 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 November 30, 1967.

ORDERED:

That the appeal for a variance from the provisions of Sections 7205.12 and 7204, to permit parking in front of and within 10 feet of a dwelling and to permit parking space less than required size at 3600 Highwood Drive, S.E., lot 1, Square 5535, be denied.

FINDINGS OF FACT:

1. Appellant's lot is located in the R-1-B District.
2. The lot has a frontage of 48.88 feet on Carpenter Street and 100.63 feet on Highwood Drive. The rear of the lot is 63.69 feet in width and the lot contains an area of 5,827 square feet. There is no alley access to the property. The lot is improved with a detached single-family dwelling.
3. Appellant received permit dated August 24, 1967, authorizing, among other things, "Conversion of existing garage to a bedroom." In so doing he eliminated his required parking space. He later received a letter directing him to replace driveway curb and to cease use of the driveway as it would be in violation of the Zoning Regulations.
4. Appellant claims undue hardship under the variance clause of the regulations as he assumed the plans and permit were valid. He further stated that continued use of the driveway was an integral part of his overall home planning, and that a denial of the continued use of this driveway would cause him personal inconvenience and expense.
5. There was a petition filed in favor of the granting of this appeal.

OPINION:

The records and the evidence in this case indicate first, that although there is no public alley access to this lot there is ample vacant land to the north facing onto Highwood Drive of approximately 45 feet which gives ample area to provide a driveway and to provide this parking.

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 property. It is our opinion, therefore, that appellant can and should provide this off-street parking elsewhere on the property.

It is our further opinion that the granting of appellant's 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
Secretary of the Board