

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - December 13, 1967

Appeal No. 9448 Benjamin F. Brunson, et ux, 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 December 13, 1967.

EFFECTIVE DATE OF ORDER - February 6, 1968

ORDERED:

That the appeal of Benjamin F. Brunson, et ux, for a variance from the requirements of Sections 7205.12 and 7205.2 to permit parking space in front and within 10 feet of dwelling at 4040 Nichols Avenue, S.W., lot 804, Square N-6171, be granted.

FINDINGS OF FACT:

1. Appellant's property is located in an R-2 District.
2. Appellant's lot has a frontage of 50 feet on Nichols Avenue and a depth of 125 feet, and contains an area of 6,250 square feet. There is no public alley at the rear of the property.
3. Appellant proposes to provide parking on the south side of his property by provision of an 8-foot wide drive onto two 30-inch wide concrete slabs.
4. Appellant contended at the hearing that in order to park in the rear more than 10 feet from the dwelling would necessitate tearing down fences, removal of a tree and shrubbery in front of the building, and further, that to run the drive to the rear of the building would incur considerable expense. He also stated that he could not park on the side of the yard because it is only 10 feet 9 inches in width. He stated further that his plan is more in conformity with the existing neighborhood.
5. Appellant stated that the other houses within the area provide off-street parking as he intends.
6. There was no objection to the granting of this appeal registered at the public hearing.

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OPINION:

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

We are further of the opinion that the granting of the relief requested 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, in our opinion, will have no adverse affect upon nearby and adjoining properties.

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

ATTESTED:

By:



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.