

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 15, 1968

Appeal No. 9598            Russell Eldridge, 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 June 19, 1968.

ORDERED:

That the appeal for variance from the requirements of Section 7205 to permit parking in front of and within 10 feet of single family dwelling at 1505 - 35th Street, NW., lot 850, square 1253, be denied.

FINDINGS OF FACT:

- [1] The subject property is located in an R-3 District.
- [2] The property is improved with a two-story and basement brick row dwelling.
- [3] Counsel for the appellant states that the structure was built subsequent to December 18, 1964, probably in the early months of 1965.
- [4] The dwelling was erected under authority of permit No. B-123128.
- [5] The plans for the structure indicated that a garage would be located in the structure. However, applicant indicates that the plans were changed because of the location of two trees which rendered the garage inaccessible from the street and the driveway had to be cut into the left side of the house to comply with lighting requirements. This would necessitate an "S" type curve to get into the garage.
- [6] There is no record in the Department of Licenses and Inspections authorizing the elimination of the garage.

[7] The Citizens Association of Georgetown spoke at the public hearing but took no position with regard to this appeal.

[8] The current Zoning Regulations of the District of Columbia became effective May 12, 1958. Section 7201.1 provides that: "All structures erected on or after the effective date of these regulations shall be provided with parking spaces to the extent specified in Section 7202."

[9] Section 7202.1 provides in part that all one-family dwellings in any zoning district shall be provided one off-street parking space for each dwelling unit.

[10] The owner of an adjacent piece of property spoke at the public hearing regarding the effect of this parking upon his property and a subdivision of the property that was accomplished some years ago.

OPINION:

We are of the opinion that this appeal must be denied.

Nothing in the record of this case indicates any hardship from which this Board should grant relief. There is no evidence of any unusual, peculiar or exceptional circumstances relating to this piece of property. The asserted hardship is one accomplished by the applicant. Clearly, the property could have been, and indeed was planned to be, developed within the requirements of the Zoning Regulations. At some point, a change was made, presumably at the behest of the owner, making the property conflict with the regulations. It is well established that the Board of Zoning Adjustment should not grant a variance where the asserted hardship is created by the applicant. We find that the hardship was self-created in this case and no basis for relief by way of a variance can be found.

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

ATTESTED:

By:

  
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JAMES E. BESS  
Secretary of the Board