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From: Martin Block,

Re: Brief and request for consideration of amending the application of Case 16996 to also include approval for variance or special exception (as appropriate) for relief under section 2116.6 - to waive the requirement for a single parking space to be located on the property as described by section 2101.1 and for relief of the requirement 2100.10 section B.

Date: March 17, 2003

By Facsimile 202-727-6072

I am the owner and resident at 3348 Military Rd NW. I am writing to provide some background and explanation to support my request that at my hearing on March 25, the BZA accept a motion (or would it be a request?) to modify or amend my application for special exception to include granting a variance to the parking requirement that I maintain the same number (one) of parking spaces on the property to comply with current (post 1958) zoning rules for my property.

I am asking the BZA to waive its 14 day time limit on comments and filings of this type because the information regarding the parking requirement has only recently come to light and we (my architect and I) have not had ample notice or time to respond in the timely manner.

Further, the delay of the hearing on March 25th would cause financial hardship to me in the form of

- additional fees for my architect to attend another or different hearing;
- additional delays in the permitting process that will drive up my cost of construction, and
- additional delays that will cause my wife to have to negotiate a lengthening of her lease current lease term at her current studio.

I understand through discussions with BZA staff that such a request and such an amendment is within the purview and authority of the BZA to entertain and grant at the hearing.

Background:

During the review process in the application for special exception (case 16996) we discovered that the driveway/parking pad we have used for the last 13 years is not a legal parking space for purposes of calculating or evaluating on-property parking area.

We are informed by the Office of Planning that the portion of our driveway that is between the existing building restriction line and our property line is considered to be 'public space', or at least is not a legal parking space. I'm not sure of the technical description, I just know that I have been told that 90 percent of my paved driveway between the sidewalk and my home is not considered 'my property' for purposes of parking.

We had planned to use the space described above as the off street parking space required.

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Current on-property parking availability.

Since we moved to our home in 1991, we have parked in the driveway. We have never used the garage portion of our home because it is a 1930's sized garage, approximately 9' by 17' in gross

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dimension. The doors are set back into the garage about 1 foot, leaving just under 17 feet in length. The width is reduced by approximately 1.5 feet because the fireplace chimney base 'bumps' out into the parking area. The net parking space is approximately 7.5 feet by 16.75 feet. Also, the ceiling height is just over 7 feet interior, thought the doorway is 6'10 inches from ground level.

While we could drive our car into the garage, we would not be able to open the doors to exit the vehicle. (We own a Volvo sedan, and a Hyundai sport wagon.) Therefore, we have never parked in the garage, and I am told by the former owners that they never parked there either for the same reasons. It serves as the storage shed for bikes, lawn mowers, tools and so on.

There are several practical hardships in our *current lot configuration (before any proposed improvement)* that make it impossible or nearly so to meet the current size for a 9 by 19' parking space or pad or area.

Essentially we seek relief based on 2116.6(a) that allows for such variance or exception based most notably on:

- '(a) Unusual topography, grades, shape, size or dimensions of the lot;' and
- '(b) ...lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;'

and to a lesser extent

- '(d) the location of required parking spaces elsewhere on the same lot or on another lot would result in the more efficient use of land, better design or landscaping, safer ingress or egress and less adverse impact on neighboring properties'.

Reasoning

- First, we are highly constrained on the North and West side of the home. There is no space available for parking on the property on the North (Military Road NW) side of the home.

- There is no access to the lot from an alley. The only access is the driveway and parking pad off Nevada Avenue.

- On the West side, the building restriction line runs at an angle to the home, providing more space at the north end of the home and less at the south. You cannot configure a garage there to conform to section 2300 requiring setbacks from building lines. (I assume that is we can't park over the BRL, it has the same 'presence' as a property line.) So we cannot replace the garage. This creates a hardship in that we would loose interior space – even though a garage – recognizing that garages are used as auxiliary storage as well as for car parking

- On the west side of the home the inclusion of a parking pad would require the addition of a retaining wall as the height of the soil in the side yard is some 3 feet higher than rear yard, and somewhat higher still in the front yard. We submit this is not a practical use of the space and is affected by grading;

- There is rear yard space that allows for the required pad, however it requires that the parking pad be located immediately adjacent to the property line, and, may, subject to fine measure on-site by survey team, ultimately require a small 'chunk' of the corner of the home to be removed for the corner of a parking pad to be exactly 19' on that side and exactly 9 foot on the far width.

- On the east side of the home, the lot is essentially flat from the sidewalk to the face of the home. From the face of the home, to the back of the home, the lot falls off approximately 6 feet in a 24 foot distance. This would require the construction of some kind of retaining wall

between the easterly neighbor and my home. This presents an undue hardship in terms of cost to construct a parking pad on a hill and not disturb the neighbor's grade and landscape.

- There is no access to from the street to this side of my home. There would need to be a curb-cut on Military Rd to allow access and egress from this position. There are no curb cuts on the south (or north) side of Military Road between Nebraska and Nevada avenues. In addition, if there were to be a curb cut allowed, it would necessitate the removal of a pin oak tree that is 70 feet tall. This speaks to the "lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets"(sect 2116.6(b)).

- You cannot access the west side of the home via the driveway. There is no space to get between the neighbor's fence and the proposed parking area, and the distance between the 2 homes at that point is less than 10 feet. (Again 2116.6(b))

As part of the consideration of the impact of allowing the variance that we eliminate the presently unusable garage space as parking the question is where would the existing vehicles that park on the property park?

The stretch of Military Road between Nebraska and Nevada Avenue on the south side has allowed parking 24 hours a day, except for snow emergency.

The west side of Nevada Avenue from Nebraska Avenue to Military Road has allowed parking 24 hours a day, seven days a week and is not a snow emergency route.

There is 90 feet of frontage on Military Road that allows for 4 cars (at the 19 foot parking space length)

There is 70 feet of frontage on the Nevada Avenue side of the home allowing for 3 cars between the present driveway and the corner.

Therefore, there is ample street parking for the family now and in the future. Presently, we often do not park any car in the driveway so our kids can play 'street hockey' or basketball. We've never had a problem parking on Nevada Avenue or Military Road nor have we ever been asked to move our car by a neighbor who wanted to park in front of their own home.

We submit that there would be no adverse impact regarding parking for the affected neighbors on either Military Road or Nevada Avenue as a result of granting this variance.

Summary

- In summary, we believe that we could not, under any circumstance, position a currently 'legally zoned' parking space on the property (as described by Section 2116, variously).

- We are not 'creating our own hardship' by introducing a construction project, the hardship exists already and is evident under scrutiny for any improvement to the lot.

- Further the section allows that required parking space(s) can be located elsewhere.

- We believe there is ample public street-parking in the neighborhood to accommodate the change.
- Finally, keep in mind that even though it is an 'illegal' parking space, we will continue to park a car in the driveway while we live here!

To: Zoning Office

FAX# 202 727 6072

4 Pages

Please add this most Recent Brief with my Application Case 16996. Thank You

Marty Black

D.C. REGISTRY
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