

Upon motion duly made, seconded and unanimously carried the following Order is entered:

ORDER D:

That the appeals of Selma M. Mott and Irving C. Murray, Jr., et al. Trustees, on behalf of their long-term lessee, Alfred B. Bornstein, for a variance from the use provisions of the R-1-B District to permit erection of a three level parking structure (one level below grade, one level at alley grade and one level above alley grade) upon lot 26, in square 1971 located at rear of 4400 Connecticut Avenue, N.W. to provide accessory off-street parking for structure to be erected upon lot 2 in square 1971 known as 4400 Connecticut Avenue, N.W. and to permit roof structures in accordance with the provisions of Section 3308 of the Zoning Regulations be granted subject to the conditions set forth below.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts

- (1) Lot 26 located at the rear of 4400 Connecticut Avenue, N.W., was a part of the site in which the Board in Appeal #1771 found that a hardship applied because of the topographic conditions and the proximity of the property to local commercial on Connecticut Avenue and the U. S. Bureau of Standards operation to the south.
- (2) Evidence was presented that established that lot 26, because of the location of the property and the topographic conditions could not be developed for single-family residential use, and that the hardships that the Board found in the earlier appeal #1771 still apply.
- (3) The Board has heretofore approved the use of the subject property, as well as other adjoining properties to the north of lot 26, for off-street parking. The establishment of such parking facilities is reasonably convenient for the use of the neighborhood.
- (4) The owners of lot 26 also own the apartment house which adjoin lot 26. They have required appropriate landscape treatment of the parking facilities as shown in Exhibit No. 5 on file.
- (5) A real estate appraiser by letter expressed the opinion that the parking structure could be erected without adverse effect upon the neighboring property owners.
- (6) The Board gave careful consideration to the statements made by two residents of the area who appeared at the hearing and expressed concern that the parking facility may adversely affect the neighborhood. These residents reside on Albemarle Street and have no access to the parking structure excepting through the alley to the rear of and serving the Connecticut Avenue frontage.
- (7) The plan for the building shows the location, type and size of penthouse, all of which meets the requirements of the Zoning Regulations.

OPINION:

We are of the opinion that the applicants suffer a hardship because the property cannot be developed for its zoned purpose in view of the physical condition of lot 26 and the surrounding commercial and governmental use, and that the use of the property for accessory off-street parking can be granted 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, subject to the condition set forth below.

We are also of the opinion that the enclosure on the roof of this proposed building for service equipment harmonizes with the main structure in architectural character, material and color.

This Order shall be subject to the following condition:

- (a) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires that the area approved for required off-street parking shall be reserved exclusively for that purpose so long as the improvements to be served existing or so long as said accessory off-street parking is required by the Zoning Regulations.