

Government of the District of Columbia

ZONING COMMISSION



Zoning Commission Order No, 76  
cases No, 71-10 and 72-17  
January 11, 1974

Pursuant to notice, a public hearing of the Zoning Commission was held on June 13, 1973, to consider two related applications by William J. Trittipoe, et al, for amendments to the Zoning Map, as follows:-

Case No. 71-10 - Change from R-2 to R-4, lots 11, 12, 19, 20, 22 and 803 in Square 1674, located on the north side of River Road, N. W. between 42nd and Chesapeake Streets, N. W.

Case No. 72-17 - Change from R-2 to R-4, lots 802 and 805 in Square 1675, located on the south side of River Road, N.W. between 42nd and Chesapeake Streets, N. W.

FINDINGS OF FACT

1. The sites of the two proposed amendments are located on the north and south sides of River Road, N. W. between 42nd and Chesapeake Streets, N. W. Because of the similarities existing between these separate applications they have been heard together and will be treated as one proposed amendment for the purposes of this Order.

2. The area of the subject site of the proposed amendment to the zoning Map in Case No. 71-10 is approximately 24,000 square feet, the area of the site in Case No. 72-17 is approximately 13,000 square feet.

3. The subject sites are presently zoned R-2 (one-family semi-detached dwelling - minimum Lot width of 30 feet, minimum lot area of 3,000 square feet, 40% lot occupancy, 3 stories and 40 feet height limit),

4. The proposed amendment would change the existing zoning of the sites to R-4 (Row dwelling - minimum lot width of 18 feet, minimum lot area of 1,800 square feet, 60% lot occupancy, 3 stories and 40 feet height limit),

5. The proposed zone amendments would extend R-4 zoning in the area to allow construction of townhouses on the subject sites. Such uses would act to create a transitional area between the high density commercial uses around Tenley Circle and the surrounding neighborhood of single-family dwellings.

6. The Zoning Advisory Council recommended denial of the proposed zone change in Case No, 71-10, finding that:

... the configuration of the lots involved in this application is such as to seriously impact the remaining properties in the square not included in this application (TR. 6).

In addition, failure to include all the lots makes it virtually impossible to develop the square as a unit, This will

lead to a fragmented development scheme and would result in a (piecemeal), poorly executed development, In addition, if the properties were rezoned as requested, inordinate development pressures would be placed upon the remaining R-2 property in the square ... We are, therefore, of the opinion, for the above-specified reasons, that the application be denied as presently constituted, We would encourage the applicant to resubmit the request if the entire square were included in the new application (TR. 7).

7. The Zoning Advisory Council, in its report of March 19, 1973, recommended denial of the proposed zone change in Case No. 72-17, finding that:

... the lots involved in this application are not contiguous: that is, they are separated by an intervening piece of property. If the properties in this application were developed to R-4 standards, they would severely impact the intervening lot (P. I),

In addition, the configuration and Location of the lots is such as to make it impossible to develop the whole site as a single development, and virtually impossible to develop townhouses at all, This will create a fragmented scheme, resulting in piecemeal, poorly executed development. In addition, if the properties are rezoned as requested, inordinate development pressures would be placed on the remaining R-2 Lots on the River Road frontage of the Square ... We are therefore of the opinion, for the above-specified reasons, that this application should be denied.

8. Mr. William F. McIntosh, a member of the Zoning Advisory Council, upon being cross-examined **on** the reports of the Zoning Advisory Council in Cases No, 71-10 and 72-17, stated that:

Basically, it was the fact that there is a fragmentation of Lots and that there's also the possibility that this produces greater depreciation on the Lots which is not part of the overall development, We indicated in both instances, both 71-10 and 72-17, that we felt if the entire block could be brought together by this type of development, it would be fine (TR. 9) .

... that this [requested change of zone] would as presently constituted, indicate a fragmentation of zoning, You'd have some lots within the square that would still be the old zoning and some lots would be a new zoning (TR. 9).

9. At the public hearing of this case there was one **person who opposed** the requested zone change (TR. 18-20).

#### CONCLUSIONS OF LAW

1. The height, bulk and density of the proposed R-4 zone district is inappropriate for the subject site because of its fragmented application to some lots and not others, which would prohibit the development of the site as one entity.

2. The proposed zone district is inappropriate, taking fragmented application into consideration, because it would neither encourage stability of the site or the land values therein.

3. The proposed zone district is not in harmony with the intent, purpose and integrity of the comprehensive zone plan as embodied in the Zoning Regulations and Map,

### DECISION

1. The only issue before the Zoning Commission in this case is whether the proposed R-4 zone district is appropriate for application to the subject site,

2. The Commission has carefully reviewed the record in this case and the evidence in support and opposition to the zone change and finds that though the proposed fragmented application of the R-4 zone district to the subject site is inappropriate, this is not to say that the site should remain as presently zoned.

3. The Commission believes that the entire site can be developed as an entity with the uniform and complete application of the R-4 zone district to all of the Lots which comprise the site. The establishment of one zone on all contiguous lots and remaining properties in the affected squares can provide for the construction of new townhouses to help to revive and stabilize this buffer neighborhood which has had a considerable concentration of housing since the early 1900's. The Commission is prepared to receive, in connection with a new application, the views of the subject property owner, other area property owners,

affected residents and citizens groups and public planning bodies in arriving at a coordinated and complete development of the subject site, The Commission believes that controlled uniform development of this site can promote the health, safety and general welfare of this city .

4. In consideration of its findings and conclusions herein, the Commission ORDERS DENIAL of the following amendment of the Zoning Map:

Case No. 71-10 - Change from R-2 to R-4  
lots 11, 12, 19, 20, 22 and 803 in Square  
1674, located on the north side of River  
Road, N.W. between 42nd and Chesapeake  
Streets, N. W.

Case No, 72-17 - Change from R-2 to R-4,  
lots 802 and 805 in Square 1675, Located  
on the south side of River Road, N.W.  
between 42nd and Chesapeake Streets, N. W.

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ATTEST:

Martin Klauber  
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