

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- June 15, 1971

Appeal No. 10791-92 L. C. Coles, et al and Harry M. Dorsey,
appellants

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried with Mr. Mackey not present, the following Order of the Board was entered at the meeting of May 16, 1972.

EFFECTIVE DATE OF ORDER -- May 30, 1972

ORDERED:

That the appeal for permission to erect a five story and basement building for senior citizens housing (philanthropic organization) and variance from the rear yard requirements and for permission to provide off-street parking in front of building at 2420-26-28 Franklin Street and 2800 26th Street, N. E., lots 812-14, Square 4286 and lot 805, Square 4287 be partially granted.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The subject property is improved with three small single-family dwellings that are to be demolished and the balance of the property is vacant.
3. The Board, on July 20, 1971, at its Executive Meeting, granted the applicant 24 parking spaces in front of the building and denied the requested rear yard variance.
4. On July 30, 1971, the appellant submitted supplemental drawings which show compliance with the Board of Zoning Adjustment conditions by removing the one-story trash room from the rear yard and relocating the room within the building. The drawings have been marked #1 (the title plot plan and details), #2 (first, second and typical floor plans), and #3 (elevators). All drawings dated September 1, 1971.
5. The National Capital Planning Commission recommended to the Board of Zoning Adjustment approval of the application, however, the

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Commission did recommend that the area for off-street parking proposed in the rear of the building be used for sitting and recreation areas.

6. Appellants stated that the project density would be limited to one hundred dwelling units.

7. Evidence was presented showing the lot shape as the hardship in this case.

8. Opposition was registered at the public hearing as to the granting of this appeal. There are also several letters in opposition to this appeal in the file.

OPINION:

We are of the opinion that appellant has proved a 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 exceptional practical difficulties and undue hardship upon the owner.

We further hold that the requested relief 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.

There is no rear yard or side yard variance granted by this appeal.

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine the Board is disposed to entertain a motion to re-open this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The

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motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N. W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

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

ATTESTED:



By: _____

GEORGE A. GROGAN
Secretary of the Board

THAT 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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.