

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - June 16, 1971

Appeal No. 10797 Broadus Graham, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried, with Samuel Scrivener, Jr. absent, the following Order of the Board was entered at the meeting of June 22, 1971.

EFFECTIVE DATE OF ORDER - July 30, 1971

ORDERED:

That the appeal for permission to erect single family dwelling in R-5-A District, lot size to be prescribed by the Board (Section 3301.1 as amended 11/17/70) at the southeast corner of Eastern Avenue and Olive Street, NE., Lot 19, Square 5168, be granted.

FINDING OF FACTS:

1. The subject property is located in an R-5-A District.
2. The appeal was filed under Section 8207.11. However, it should have been filed under Section 8206.1 and Section 3301.1 and Section 3105.42.
3. Appellant owns Lot 19, Square 5168, which is a corner lot at the intersection of Olive Street and Eastern Avenue, NE. containing over 20,000 square feet of land.
4. Appellant proposes to raze the existing buildings and construct a single-family detached dwelling.
5. Section 3105.42 reads in part as follows:

"In the R-5-A District all new residential development, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board in accordance with the standards and requirements of Section 3307."

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6. Section 3301.1 provides for minimum lot dimensions (minimum lot area in square feet and minimum width of lot in feet) for the R-5-A District, "as prescribed by the Board."

7. There was no opposition to the granting of this appeal registered at the public hearing.

OPINION:

In granting this appeal, the Board makes the following interpretation of the R-5-A Regulations adopted by the Zoning Commission, effective November 17, 1970.

Subparagraph 3105.42 established a design review procedure for residential complexes including a variety of housing which might include a variety of housing types but exempted from those procedures projects which were solely developed devoted to one-family detached or semi-detached dwellings. The intent of this section is to permit the construction of one-family detached and semi-detached dwellings as a matter of right unless this type of housing is included in a project containing flats, townhouses and multi-family buildings.

Although the R-5-A District is basically an apartment zone, the recent amendments to the Zoning Regulations clearly indicate the Zoning Commission intends to encourage a mixture of housing forms and a general lowering of the overall density. On the other hand, since this is an apartment zone, the opinion of the Board is that the lot and yard requirements for single-family detached and semi-detached dwellings should be interpreted liberally. Therefore, in the application of Paragraph 3301.1, the Board finds requirements otherwise stipulated for the R-3 District to be appropriate.

We conclude that it would be appropriate for the Zoning Administrator to issue a permit for one family detached and semi-detached buildings when they conform to the standards outlined in the following table, and the Board would review on its merit any proposal that does not come up to standard as follows:

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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 DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.