

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- February 9, 1972

Appeal No. 11042 Dimitri S. Bitsios, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, second and carried with Mr. Harps dissenting the following order of the Board was entered at the meeting of February 15, 1972.

ORDERED:

That the appeal for a variance to permit construction of 8 condominium townhouses, and variance from the rear yard required on units number 5 and number 6 at 3306-08 Idaho Ave., N.W., Lot 18 and 19 Square 1818, be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The subject property is unimproved at the present time, however, the applicant requests a variance from the provisions of the R-1-B District to permit construction of eight condominium townhouses meeting the requirements of the R-3 District and variance from the rear yard requirements on units number 5 and number 6 (See BZA Exhibit number 1).
3. Under the proposed development Lots 18 and 19 in Square 1818 will be subdivided into two record lots having a street frontage on Idaho Avenue of approximately 128 feet. The subject property is to be developed under the D.C. Horizontal Property Regime and no future re-subdivision of the single sub-divided lot is required even though the individual living units will be separately sold.

4. A covenant is filed and recorded with the D.C. Government binding the owner of the sub-divided lots and his successors to comply with all Zoning Regulations and the building code in the event of the re-subdivision of a lot or any portion thereof.

5. At the public hearing there was no opposition registered as to the granting of this application. However, the file contains two letters in opposition and two letters in support. The letters in opposition substantially requested that the Board require ample parking space and that to grant this application would result in the neighborhood losing its present character.

OPINION:

The R-1-B District is designed to protect quiet residential areas presently developed with one-family detached dwellings. The subject two lots were purchased with a full knowledge by the purchaser of the limitations and the economics for developing the site in accordance with the Zoning Regulations.

In addition, the evidence presented shows the topography of the two lots vary. They are neither narrow, shallow or unusual in shape.

The Board does not find the existing stream, an irregular topographic condition, as an obstruction to permitting single family detached dwelling development of this site. The stream and topography are harmonious with existing neighborhood in their natural setting and therefor enhances the natural characteristic of the site. The thickness of existing trees and additional screening along the north property line can block any undesirable view to the north.

The Board does not find the economical difficulties as described in testimony as substantial and a basis for exceptional and undue hardship.

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There is opposition to the request on the basis of additional noise, traffic and imminent change to the existing low profile and environmental qualities. The Board has found that the comprehensive plan for the National Capitol General Land use objectives recommend 30 to 60 dwellings per acre. The proposed density is approximately 18 dwellings per acre. To allow either density at this time would be incompatible with existing development and cause area crowding of the proposed site.

In consideration of the foregoing reasons, the Board is of the opinion that the subject application be denied.

We are of the opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot 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.

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

ATTESTED:



By: \_\_\_\_\_

GEORGE A. GROGAN  
Secretary of the Board

NOVEMBER 6, 1972

Before the Board of Zoning Adjustment, D. C.

Application No. 11042, of Dimitri. S. Bitsios, pursuant to Section 8207.11 of the Zoning Regulations, for a variance from the provisions of the R-1-B District to permit construction of eight condominium townhouses meeting the requirements of the R-3 zoning and variance from the rear yard provisions for units 5 and 6 at the premises 3306 & 3308 Idaho Avenue, N.W., Lots 18 & 19, and Square 1818.

HEARING DATE: September 19, 1973  
EXECUTIVE SESSION: October 3, 1973

FINDINGS OF FACT:

1. The property contains 19,644 square feet and is located on Idaho Avenue, North of Macomb Street and South of and adjacent to the Second District Police Headquarters.

2. The subject property is unimproved. Applicant intends to intend to build eight (8) condominium townhouses.

3. This appeal was before the Board in 1972 and denied. A rehearing was requested by the applicant and granted by this Board.

4. Applicant alleged that because of the unique size, shape and depth of the property it would be uneconomical to build in accordance with R-1-B zoning. R-1-B zoning calls for one-family detached dwellings.

5. Another basis for the variance requested was the topography of the site and the perennial stream which runs through it.

6. Two detached dwelling could be built on the site instead of the proposed 8 townhouses.

7. The property can be developed in conformity with the Zoning Regulations.

8. Opposition testified that townhouses would adversely affect the character of the neighborhood by increasing the density of the area.

CONCLUSIONS OF LAW:

Based upon the above Findings, the Board concludes that the applicant has not proved a hardship within the meaning of Section 8207.11 of the Zoning Regulations, that the subject property can be developed in accordance with the Zoning Regulations, and that the requested relief cannot 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.

ORDERED:

THAT THE ABOVE APPLICATION SHOULD BE, DENIED.

VOTE: 4-0, Mr. Harps not present and not voting.

ATTESTED BY:



JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF THIS ORDER: JAN 07 1974