

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- October 18, 1972

Application No. 11057 Milton Weinberg, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of November 1, 1972.

EFFECTIVE DATE OF ORDER -- December 14, 1972

ORDERED:

That the application for permission to erect townhouses in accordance with Section 3105.42 at Morris Road and Hunter Place, S. E., Lots 4-6, Square 5812, be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District, which is an area of general residences and low density.
2. Applicant proposes to build four units facing Hunter Place, which he asserts will make maximum use of the land that is available.
3. Parking will be provided to each unit in the front yard.
4. Lot area requirements for the R-5-A District call for 1800 square feet of land per unit. Applicant can provide 1,757 square feet per unit thus requesting a variance of 43 square feet per unit.
5. As required by sub-paragraph 3105.42 of the D. C. Zoning Regulations the following agencies submitted reports to the Board.
  - a. Board of Education
  - b. N.C.P.C.
  - c. Mayor's Office on Housing
  - d. Office of Zoning Commission
  - e. Department of Highways and Traffic
6. Opposition was submitted to the file in the form of a letter from the Upper Morris Road Improvement Association of S. E. Washington.
7. The opposition centered around objection to the erection of townhouses facing Hunter Place and instead urges the erection of the project to face Morris Road.

OPINION:

This is a request of the applicant for permission to erect four townhouses on Lots 4, 5, 6, and 6 in square 5812, at northeast corner of Morris Road and Hunter Place, S. E. Pursuant to Section 3105.42 of the Zoning Regulations a project of this type may be developed with the approval of the Board, after first securing favorable reports from collateral agencies.

The construction of these townhouses for sale fulfills the objectives of the Zoning Text Amendment necessitating this review process. The stated objective is to encourage home ownership in the R-5-A District and with this the Board fully concurs.

The Department of Highways and Traffic has no objection and states that tenants will have excellent access to an arterial street, Martin Luther King, Jr. Avenue, for both private vehicles and D. C. Transit bus service which operates on Morris Road. Also traffic controls are adequate and off-street parking sufficient.

Marion Barry, Jr., President of the Board of Education reports to the Board that this new residential development will create no significant impact on the public school system.

Finally, the National Capitol Planning Commission submitted a favorable report which states, "The proposed four townhouses would not have a detrimental effect on the use of streets, recreation areas or other facilities and services."

We find that Section 3105.42 of the Zoning Regulations has been adequately served and we have found no objections with the proposed development.

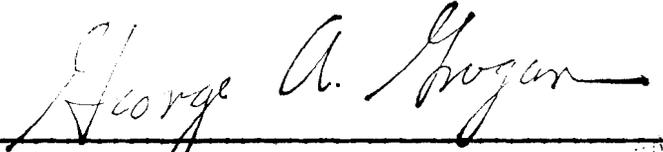
We are of the opinion that the appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we 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.

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

ATTESTED

By:   
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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.