

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 9, 1972

Application No. 11067 W. Waverly Taylor, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded 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 from the minimum lot area width, sideyard, lot occupancy and use of R-1-B District to permit erection of townhouses conforming to the R-3 zoning requirements at 4641 MacArthur Boulevard, N. W., lot 825 and part of lots 818 and 819, Square 1368, be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The site is undeveloped land and the appellant requests a variance from the minimum lot area, width, sideyard, lot occupancy and use of the R-1-B District to permit erection of townhouses conforming with R-3 zoning requirements.
3. The owner acquired the land from the Corps of Engineers with knowledge of topographic conditions and existing zoning difficulties.
4. The character of structures adjacent to the site north is single family detached; to the south is a pump station within 300 feet and across MacArthur Boulevard is a reservoir.
5. At the public hearing the appellant requested an additional amendment to the subject application for a variance from the story limitations to permit four story townhouses.

6. The subject property is part of the tract of land now embraced in the Dumbarton sub-division which the application has developed.

7. Evidence and testimony were submitted by appellant as to land values in the area for single family lots and the economic difficulties in developing the MacArthur Blvd. frontage with detached single family homes. The Architect for the subject project described the project the architectural treatment, the floor plan and the difficulties encountered in site planning because of topography, lot and the neighboring development on MacArthur Blvd.

8. The 1958 Comprehensive Plan for the District of Columbia shows a site with a density of less than 30 units per acre. Applicant plans a density of 17.5 per acre. The site of the proposed development rises from a low point on MacArthur Blvd. of 151.56 feet to a high point of 176.00 in less than 100 feet.

9. At the public hearing there was no opposition registered as to the granting of this application.

OPINION:

The owner acquired the land from the Corps of Engineers with knowledge of the existing topographic conditions and zoning difficulties. The hardship is the topographic conditions, shallow lots and formerly the adverse ownership of the U.S. Government. The appellant now has a choice of property that he can have an orderly sub-division with a cost of housing between \$125,000 and \$150,000, however it is the Board's opinion that people in the immediate environment have a right to know what is going to happen on the land next to it and that the character of the structures would not be adverse to them.

The Board is of the opinion that the covenant referred to in the testimony is meaningless in that the Zoning Regulations require that the R-1-B use District, the lot area, be 5,000 sq. feet, and that the dwellings be single family.

The Board is further of the opinion that the additional curb cuts required in this development will add to traffic congestion and danger along MacArthur Blvd. The proposed subdivision is in conflict with Section 1302.2 of the Zoning Regulations which states, "where a lot is hereafter divided - (1958) the division shall be affected in such a manner as not to violate provisions of these Regulations (zoning) for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to said lot or any lot created." The proposed row houses are not in character with adjacent properties which through testimony were described as single family detached structures.

It is the Boards opinion that the Regulations were designed to protect the character of a given area with of view of encouraging stability of land values within a particular area.

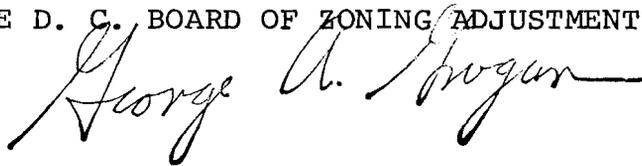
The Board finds that the proper transition between abutting lots may take place by constructing allowable building types and maintaining existing wood areas shall provide a park like setting between the subject parcel and abutting lots. For the foregoing reasons the Board is of the opinion that the proposed request by the appellant should 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 7, 1972