

Before the Board of Zoning Adjustment, D. C.

Application No. 11785, of Highpoint Association pursuant to Section 8207.2 of the Zoning Regulations for a R-5-A design review as provided by Sections 3105.42 and 3307.2 of the Regulations to permit the construction of a new residential development comprising one-family semi-detached and row dwellings with division walls from the ground up to be erected and deemed a single building at premises located on Wheeler Road, Barnaby Terrace and Bellevue Streets, S. E., known as lots 1 thru 8, Square 5921, and lots 1, 2, 7, 8, 9, 10, 11, Square 5923.

HEARING DATE: November 26, 1974

DECISION DATE: January 6, 1975

FINDINGS OF FACT:

1. The proposed development would contain 175 single family dwelling units.
2. In addition to the individual dwelling units proposed, the applicant plans to provide three tot lots for play areas.
3. A plat of the site indicates that the developers will provide off-street parking of 1.36 spaces for each townhouse to be erected.
4. The proposed dwellings located in square 5923 will be sold on a fee simple basis, and an Association of the owners of these dwellings and the condominium units located in Square 5921 will hold the tot lots and other common areas in common ownership.
5. No objection to the proposed development has been raised by the Highway Department.
6. The design and development proposal have been submitted to and approved by the Department of Housing and Urban Development.
7. The Board of Education did not submit a report and recommendation pursuant to the required referral within 40 days of the Board's memorandum of referral.
8. The Mayor's Assistant for Housing reported favorably and recommended approval of this application and suggested that landscaping be required to screen the rear yards of those townhouses which do not front on public thoroughfares.
9. The Office of Planning and Management recommended that this application be GRANTED.
10. The National Capital Planning Commission reported that the proposal of the applicant is consistent with the "General Land Use Objectives: 1970/1985" element of the Comprehensive Plan for the National Capitol and that the public streets and other city services are adequate to serve this new residential development.

11. The townhouses will be of various designs so as to create an attractive and harmonious appearance.

12. The proposal has been submitted to the community leaders and to the Citizen's Association of the community and has the approval of the vast majority of the residents.

13. Opposition was registered at the public hearing. The basis of objections made was that the schools could not adequately absorb the increase of density created in the neighborhood by the proposed development, and that the subject property could be better used for commercial purposes.

14. The Board takes notice of the fact that commercial uses are not permitted in the R-5-A zone without a use variance which could only be granted by the showing of a hardship indicating the property could not be used for its zoned purpose.

CONCLUSIONS OF LAW AND OPINION

Based upon the above Findings of Fact, and the record, the Board concludes that the proposed R-5-A development, if granted, would be in harmony with the Zoning Regulations and would not adversely effect nearby and adjoining property.

ORDERED: That the above application be GRANTED, subject to the condition that the applicant landscape, in a manner which will screen the back yards of the dwellings which will front on public thoroughfares, specifically those units labeled on the site plan as buildings 1, 2, 3, 20, thru 25, 19 and 8.

VOTE: 3-0 (Mr. Klauber did not hear the case; Lilla Burt Cummings abstaining.)

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

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: **JAN 07 1975**

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.

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11785, of Highpoint Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under paragraph 3105.42 to permit row dwellings and under Sub-section 3307.2 to permit a group of buildings with division walls from the ground up to be considered as a single building in the R-5-A district at the premises located on Wheeler Road, Barnaby Terrace and Bellevue Streets, (Square 5921, Lots 1-8 and Square 5923, Lots 1,2 and 7-11.)

HEARING DATE: November 26, 1974
DECISION DATE: January 6, 1975

Description: Application Granted with conditions by a vote of 3-0 (Scrivener, Harps and McIntosh to Grant, Klauber not voting, not having heard the case and Cummings abstaining.)

FINAL DATE OF THE ORDER: January 7, 1975

FINDINGS OF FACT:

1. On October 22, 1975, the applicant requested, by letter to the Board, that it be allowed to modify the plans originally approved by the Board on January 6, 1975.

2. The proposed modifications include adjustments to the topography and the inclusion of "walkout" basement for buildings No. 21 and 22. These modifications are shown on the surveyors plat, marked as Exhibit M-4 in the file and the site grading plan, marked as Exhibit M-5 in the file.

3. The Municipal Planning Office reported to the Board, by memorandum marked as Exhibit M-3 in the file that the modifications would make the rear yards of these buildings more accessible for outside activities, would improve site circulation and would reduce the degree of a steep slope. The MPO recommended approval of the modification as not inconsistent with the intent of the Zoning Regulations.

CONCLUSIONS OF LAW:

The Board concludes that the proposed modifications are consistent with the intent and purpose of its original approval. The Board further concludes that such modifications would meet the requirement of paragraph 3105.42 and Sub-section 3307.2, and could be approved without negative impact on surrounding property. It is therefore Ordered that the requested modifications be, GRANTED.

DATE OF DECISION: January 14, 1976
VOTE: 3-0 (Harps, McIntosh and Klauber to Grant, Cummings and Scrivener not present, not voting.)

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Acting Secretary to the BZA

FINAL DATE OF ORDER: MAR 1 1976

THIS 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.