

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11942, of George Basiliko pursuant to Section 8207.2 of the Zoning Regulations for special exception (R-5-A design review) as provided by Section 3105.42 to permit the construction of six flats at premises 4513 - 4517½ MacArthur Boulevard, N. W., Lots 7 and 886, Square 1363,

HEARING DATE: June 18, 1975

DECISION DATE: GRANTED From the Bench, June 18, 1975

FINDINGS OF FACT:

1. The property involved in this application **is** located in an R-5-A zoning district and contains approximately 12,500 square feet with frontage on MacArthur Boulevard approximately 1,200 feet from Foxhall Road and approximately 100 feet from Que Street, **N.W.**

2. The property has 100 feet of frontage on MacArthur Boulevard and a depth of 125 feet. The property **is** presently improved with a non-conforming gasoline service station building constructed in 1925.

3. While row dwellings, flats and apartments are permitted in **the** R-5-A zoning district, Section 3105.42 of the Zoning Regulations requires review by the Board of Zoning Adjustment pursuant to standards therein set forth.

4. The applicant proposes to construct six (**6**) flats having an appearance of row dwellings. Each building will contain the built-in option to utilize the structure as a flat or as a single-family dwelling. The alternative units are provided with one unit on the first floor and one unit on the second and third floors.

5. The area of each lot for the six (**6**) buildings contains in excess of 2,000 square feet. The height of the buildings will be 31 feet, approximately. The average lot occupancy will be approximately 31 per cent and a rear yard will be provided of approximately 80 feet. Two parking spaces for each of the six (**6**) buildings will be provided. Access to the property will be from the rear of the buildings by way of a 16 foot public **alley** which will **be** paved by the developer in accordance with the Department of Highways and Traffic standards.

6. All utilities are in place to serve the property; landscaping will be provided in front of and at the rear of each building and each unit will have a separate patio.

7. The six (6) flats will be in keeping with the character of the area which is a mixed character of apartments, row dwellings, institutional uses, single family detached and semi-detached dwellings. The site enjoys excellent transportation access by way of MacArthur Boulevard and is served by the D-3, D-4 and D-9 bus routes.

8 The adjoining property owners, the Palisades Citizens Association and other property owners support the granting of this application. There is no opposition of any sort to the Granting of this application.

9. Reports from all departments and agencies for which referral is required pursuant to Section 3105.42 have either no objection or state support for the grant of the application. The Board of Education report indicated no objection to the project; the National Capital Planning Commission report concluded that there are adequate public streets and other services to accommodate the residents of the proposed project; the Office of Housing and Community Development recommended approval of the site plan, noting the need for additional home ownership housing in the District; the Department of Highways and Traffic had no objection; and the Municipal Planning Office recommended approval with the notation that the applicant could preserve existing trees at the rear of the buildings .

10. Applicant at the public hearing presented an alternative plan providing for the retention of the trees referenced in the Municipal Planning Office report. Said plan was identified as "Plan A" and applicant indicated that he would have no objection to **the** Board's approving **this** alternative plan.

OPINION AND CONCLUSIONS OF LAW:

The Board is of the opinion that the applicant has met all **the** requirements of Section 3105.42 and Section **8207.2** of the Zoning Regulations. The site plan provided was duly referred to the departments and agencies specified in Section 3105.42 with either no objection or recommended approval by each of the departments or agencies. The plans provided permit new housing in the District with the option of a rental unit which can be beneficial to the owner in defraying mortgage expenses. The site plan meets the specific criteria **set** forth in 3105.42. Additionally, the Board finds that the project will be in harmony with the general intent and purposes of the Zoning Regulations and will not adversely affect the use of the neighboring property in accordance with the Zoning Regulations and Maps.

ORDERED: THAT THE ABOVE APPLICATION BE AND THE **SAME** IS HEREBY, GRANTED, SUBJECT TO THE FOLLOWING CONDITION:

- a. The project **is** approved in accordance with site Plan A.

VOTE: 3-1 (Lilla Burt Cummings, Esq., dissenting having changed her vote in executive session on June 24, 1975, being of the opinion that a side yard is required by Section 3305.4 of the Zoning Regulations, Mr. Kaluber not having heard the case and not voting.)

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

ATTESTED BY: James E. Miller
JAMES E. MILLER
Secretary to 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.

FINAL DATE OF ORDER: 6/18/75