

Before the Board of Zoning Adjustment, D. C.

Application No. 12043

Application of Bojan Construction Corporation, pursuant to Sections 8207.2 and 8207.1 of the Zoning Regulations, for a special exception to permit a new subdivision and residential development (nine (9) dwellings and one semi-detached dwelling), in the R-5-A Zone, as provided by Section 3105.42 of the regulations, and for the following variances: variances from the FAR requirements of Section 3302 of the regulations; variances from the lot occupancy requirements of Section 3303.1 of the regulations, and variances from the rear yard requirements of Section 3304.1 of the regulations as provided by Section 8207.11 of the regulations, at the premises 4400 - 4418 Barnaby Road, S. E., known as Lot 801, Square 6250.

HEARING DATE: October 21, 1975, January 14, 1976

DECISION DATE: January 14, 1976

FINDINGS OF FACT:

1. The subject property located in the R-5-A District is bounded on the west side by Barnaby Road, S. E. (34 feet wide), on the east side by a concrete paved alley (16 feet wide) and on the north side by a single-family row housing development (previously approved in BZA Case No. 11541).

2. Applicant proposes to construct 10 single family dwellings each 3 stories high and having an enclosed garage within the structure with access from Barnaby Road.

3. The proposed site is a sharply triangular shaped lot with flat topography and 22,429 square feet of area. The area of the proposed lots range from a minimum of 1800 square feet to a maximum of 3037 square feet for an average lot area of 2,242 square feet.

4. Because of the peculiar shape of the land with the lot depth decreasing dramatically as you progress south on the site, variances are needed from the FAR, lot occupancy and rear yard requirements of the R-5-A District for a number of the proposed lots.

5. The report of the Board of Education dated October 21, 1975 and subsequent testimony at the public hearing offered

no objection to the application because of a negligible impact on the schools and the ability of the schools to accommodate all the children expected from the development.

6. The Department of Transportation, Traffic Operations Division, in its report received by the Board November 17, 1975 and in subsequent testimony at the public hearing offered no objection to approval of the construction with off-street parking as proposed.

7. The Department of Housing and Community Development in its report of November 17, 1975 and in subsequent testimony at public hearing supported the application subject to modification of the rear of the lots to insure all space would be usable. The originally proposed lot lines result in strange configurations producing unusable space at the rear of the lots. The proposed development was also stated to be compatible with existing land use and the pattern of buildings in the surrounding area and also is consistent with the District's housing policy encouraging home ownership.

8. The National Capital Planning Commission report dated November 10, 1975, stated that the proposed development when added to the existing number of dwellings within Square 6250 will result in lesser density than the density set forth in the "General Land Use Objectives: 1970/1985" element of the Comprehensive Plan for the National Capital.

9. The Zoning Services Division of the Municipal Planning Office in its report dated January 8, 1976 and in subsequent testimony at public hearing recommended approval of the application subject to the following conditions:

- a) the rear lots should be straightened to provide more usable space for recreation
- b) all open spaces in the front and rear yards should be landscaped with grass, trees and shrubbery particularly the rear alley in order to provide privacy for present and future neighbors.

The recommendation stated that the site is located in a residential neighborhood with single-family, semi detached and row dwellings and will be compatible with the existing character of that neighborhood. There will also be sufficient light and air because of the location of the site between the street and alley.

10. Opposition to the application was raised by residents of the 600 block of Southern Avenue, S. E. by petition and testimony at public hearing. Objection to the proposed development was centered around the following points:

- a) The increase of population from the proposed development will cause an increase of crime and traffic accidents and adversely affect neighboring property values.
- b) The site is the only open space where neighborhood children can play and the opposition prefers to have the District of Columbia establish a mini-park on the subject property.
- c) The proposed single-family homes are a story taller than existing houses and will create interference with light and ventilation to existing homes on Southern Avenue, S. E.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the evidence of record the Board finds that the proposed development is compatible with the existing neighborhood and there will be no adverse affect on the schools in the area or the adequacy of the surrounding public streets. The area of the lots meet the requirements of the R-4 District and there will be no interference with light and air due to the location of the development between the street and alley. The applicant suffers a practical difficulty from the strict application of the Zoning Regulations as the sharp triangular shape of the site requires variances from lot occupancy, rear yard and FAR requirements of the R-5-A District. The Board concludes that a special exception for approval of the proposed development pursuant to Section 3105.42 of the Zoning Regulations is in harmony with the general purpose and intent of the Zoning Regulations and will have no adverse affect upon the use of neighboring property. The Board further concludes that the variances required by the applicant as a result of the shape of the site 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.

ORDER:

It is hereby ordered that the above application be GRANTED subject to the following conditions:

- a) Applicant must eliminate one (1) proposed dwelling leaving a total of eight (8) row-dwellings and one (1) semi-detached dwelling to be constructed.
- b) All side lot lines are to be located perpendicular to Barnaby Road, S. E. all the way to the alley except for the side lot line between #4412 and #4414 Barnaby Road, S. E., having a slight jog approximately twenty (20) feet from the rear lot line.

VOTE:

3-0 (Samuel Scrivener, Jr. and Lilla Burt Cumming, Esq., not present to vote).

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

ATTESTED By: Steven E. Sher  
STEVEN E. SHER  
Acting Secretary to the Board

FINAL DATE OF ORDER: **FEB 13 1976**

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.