

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12138, of Geeraert Construction Company, pursuant to Sub-sections 8207.1 and 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to permit a new residential development consisting of four (4) semi-detached and twenty-nine (29) row dwellings, for a special exception under Sub-section 3301.1 for prescribed lot area and width and for a variance from the side yard requirements (Sub-section 3305.3), in the R-5-A District, at the premises 1004 thru 1044 Southern Avenue, S.E., and 4301 thru 4323 - 12th Place, S.E., Lots 51-54 and 78-91, Square 5922.

HEARING DATES: June 16, 1976 and September 15, 1976

DECISION DATE: September 15, 1976

FINDINGS OF FACT:

1. The property is located in the R-5-A District.
2. The site consists of 83,410 square feet of unimproved land.
3. The applicant originally proposed three (3) groups of houses, as follows:

Group A. Consisting of 21 row houses, fronting on Southern Avenue, S.E., each having one (1) parking space in the rear adjacent to a 16 foot public alley.

Group B. Consisting of five (5) row houses, and two (2) semi-detached houses, fronting on 12th Street between Southern Ave., and the public alley, each having one (1) car garage parking accessible from 12th Street.

Group C. Consisting of three (3) row houses, and two (2) semi-detached houses fronting on Southern Ave., and northwest of the public alley, each having a one (1) car garage parking each having a one (1) car garage parking accessible from 12th Street.

4. At the June 16, 1976, hearing, based on the recommendations of the Municipal Planning Office, the applicant submitted a revised plan for the dwelling units in Group A, as follows:

- A. Removal of one (1) row house in the center of the row.
- B. Semi-detached units at the ends of the row, each having a three (3) foot side yard.

5. At the June 16, 1976, hearing the Board Members questioned the advisability of the three (3) foot side yards on the end units of Group A.

6. The applicant submitted a revised site plan which was considered at the September 15, 1976, hearing. This plan changed Group A to seventeen (17) row houses and two (2) semi-detached houses. The two (2) semi-detached houses would each have one (1) side yard of over 14 feet.

7. Side yard variances would be required for the semi-detached houses adjacent to the public alley in Groups B and C.

8. The Municipal Planning Office, in its report of June 14, 1976, recommended approval of the application with modifications to Group A.

9. The Department of Housing and Community Development recommended approval of the application.

10. The Executive Director of the National Capital Planning Commission recommended approval of the application.

11. The Board of Education of the District of Columbia reported that the school capacity is adequate to house children expected from this development.

12. The D.C. Department of Transportation offered no objection provided that:

- A. Technical changes to the site plan are made relating to details in the public space
- B. The developer permanently improve the public alley, and
- C. That curb, gutter and side-walk be installed on the 12th Street side of the project

13. Maryland National Capital Park and Planning Commission, Prince George's County Planning Board, Chairman, reported that the staff foresees no problems that development of the property will generate.

14. There was no opposition to this application at the hearing or on record.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that there are adequate public facilities to serve this project. The Board concludes that the development will not have an adverse impact on the neighborhood or negative effect on surrounding property. The Board also finds the area variances are justified.

It is therefore ORDERED that the Application be, GRANTED, provided that the development shall be in accordance with the plan dated September 15, 1976.

VOTE: 4-0 (Leonard L. McCants, Esq., Ruby B. McZier, Esq., William F. McIntosh, V-Chairman and Lilla Burt Cummings, Esq., to GRANT) William S. Harps, Chairman present, but not voting .



ATTESTED By: ARTHUR B. HATTON

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER: September 30, 1976