

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12159, of Rose Sach Ullman and Philip Chernikoff, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under paragraph 3105.42 to permit a sub-division and the construction of six (6) row dwellings in the R-5-A District at the premises 1214-1224 - 49th Place, N.E., Lots 62,63 & 64, Square 5173.

HEARING DATE: June 22, 1976
DECISION DATE: July 13, 1976

FINDINGS OF FACTS:

1. The subject property is located in an R-5-A District.
2. The property presently has a vacant, boarded-up detached dwelling, surrounded by several trees. The property is located at the corner of 49th Place and Nash Street, N.E., and is approximately 10,800 square feet in area.
3. The applicant proposes to sub-divide three (3) lots into six (6) and construct six (6) dwellings (five (5) row and one (1) semi-detached) at addresses to be known as 1214 through 1224 - 49th Place, N. E.
4. There are neither improved sidewalks in front of the site nor to the immediate area to the west on Nash Street. As proposed the unpaved areas in the immediate vicinity of the site will be paved.
5. The size of the lots proposed for sub-division ranges from 1,620 square feet for the row dwellings to 2,700 square feet for the semi-detached unit. Each dwelling unit will have two (2) evergreen shrubs.
6. Parking spaces (10X20') and a 15' private access driveway are proposed at the rear of the units. The parking arrangement and the use of easements assures access, complies with Section 7206.4 of the Zoning Regulations.
7. The proposed development requires no variances pursuant to any Sections of the Zoning Regulations.
8. The Municipal Planning Office, by report dated, June 14, 1976, recommended that the Board approve the application provided that:
 1. Building density be reduced by one (1) unit to alleviate the over crowdedness of the site;
 2. That an appropriate divider be erected between the parking area and the rear yards to separate recreation areas from automobile paths and that a landscaping plan in carporting sidewalk improvements be submitted.

9. Other than the two above outlined conditions, the MPO found that the development is not expected to generate adverse impacts to the surrounding residential areas and appears to be compatible with the intent and purpose of the Zoning Regulations and Map.

10. The Department of Housing and Community Development, by report dated June 11, 1976, recommended that the Board approve the application as consistent with the objective of increasing home ownership in the District.

11. The Board of Education by letter dated April 7, 1976, reported that the proposed development would have a minimum impact on schools and that school capacity is adequate to house children expected from this development.

12. The Department of Transportation, by report dated June 4, 1976, offered no objections to the application and the parking plan.

13. The National Capital Planning Commission, by report dated June 4, 1976, reported that the proposed development, when added to the number of existing dwellings units within the Square, will result in a lessee density than the predominant residential density of thirty to sixty dwellings units per net acre. Set forth in the "General Land Use Objectives: 1970/1985" element of the Comprehensive Plan pursuant to the National Capitol Planning Act of 1952, as amended by the District of Columbia Self-Government and Governmental Reorganization Act.

14. The Board of Zoning Adjustment did not direct the applicant to submit any revised plan Pursuant to any Governmental agency report.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that there are adequate public facilities to serve the proposed project. The Board conclude that the proposed development will have no adverse impact on the neighborhood, or negative effect on surrounding property. It is therefore ORDERED THAT THE ABOVE APPLICATION BE, GRANTED as filed.

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

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

FINAL DATE OF ORDER: August 18, 1976

ATTESTED BY: Arthur B. Hatton
ARTHUR B. HATTON, Executive Secretary

THIS ORDER SHALL BE 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.