

Before the Board of Zoning Adjustment, D. C.

Application No. 12170, of Bojan Construction Co., Inc., pursuant to Section 8207.1 and Section 3105.42 for a special exception to permit a new residential development plan for construction of 102 family residential row houses on a site consisting of approximately 314,236.74 square feet of unimproved land zoned R-5-A and for variances of requirements of Section 3303.1 and Section 8207.11 (to allow for occupancy in excess of 40%); variances from Section 3302.1 and Section 8207.11 (to allow F.A.R. in excess of 0.9); variances from Section 7205.1 and Section 8207.11 (to allow parking in the front yard of the dwelling); and variances from Section 7205.21 and Section 8207.11 (to allow parking within ten feet of the dwelling).

HEARING DATE: JULY 21, 1976

DECISION DATE: AUGUST 24, 1976

FINDINGS OF FACT:

1. The subject site consists of approximately 314,236.74 square feet of contiguous unimproved land located on the Northwest side of Southern Avenue, Washington, D. C., zoned R-5-A.

2. At the hearing the Board waived the rule requiring reporting agencies to file their reports and recommendations five (5) days before the hearing.

3. At the hearing the Board amended the application to provide for 97 dwelling units consisting of 75 row-houses and 22 semi-detached, and accepted the substitute site plan for the appropriate number of units and showing a mini park in the northwest corner of the project.

4. The modified site plan including the mini-park resulted from recommendations by public agencies subsequent to filing the appeal and prior to the hearing.

5. At the hearing Board members questioned the advisability of providing the mini park which would be the responsibility of the future home owners. The units will be sold fee simple and an organization would need to be formed to provide for maintenance of the mini park.

6. The applicant testified that all the dwellings could be built without variances. However, this would result in

an inferior site plan with fewer amenities and more trees removed.

7. The Municipal Planning Office recommended approval of the new site plan including the mini park.

8. The D C Department of Transportation recommended approval of the new site plan subject to six (6) foot side-walks within the project and along Southern Avenue and subject to submission of street grade and storm drainage plans.

9. The Board of Education of the District of Columbia has no objection to the project since the impact of 97 three bedroom units can be accommodated in space made available by the opening September 1976 of the Oxon Run Jr. High School and the Terrill Elementary School.

10. The Department of Housing and Community Development recommended approval of the project.

11. The National Capital Planning Commission reported that the site plan as proposed will not have an adverse impact on the abutting Federal Land (Oxon Run Park) provided that

(1) the developer fences the site at the property line between the development and the park;

(2) the developer does not remove the trees along the property line between the development and the park; and

(3) the District of Columbia government extends storm sewer lines from the development through the park to Oxon Run.

12. There is no opposition to the granting of this application.

13. On July 27, 1976 the applicants submitted:

A. Tabulation sheets showing the type and extent of variance required for each lot.

B. Revised site plan showing two additional houses in place of the mini park, and changing the total to 99 dwellings consisting of 23 semi-detached and 76 row.

CONCLUSION OF LAW:

Based upon the above Findings and the record and in consideration of the policy favoring the use of R-5-A land for development of single family residential housing, the Board concludes that the applicant's plan for development of the site is suitable for 99 single family houses. The Board concludes that applicant's plan of development is in harmony and in keeping with the homes in neighboring areas and will not adversely affect neighboring property. The Board also finds that due to the shape of the property, topography and site planning considerations related to this project that the requested variances are justified. The Board concludes therefore, that the special exception and variances should be GRANTED subject to the following conditions:

- A. Development shall be in conformity with the site plan submitted on July 27, 1976.
- B. The setbacks for the houses should vary but not precisely as shown on the July 27, 1976 site plan.
- C. The variances on each lot are as set out in the tabulations submitted July 27, 1976, which is incorporated in this order by reference.
- D. A fence shall be located at the property line adjacent to the Oxon Run Park.
- E. The maximum number of existing trees should be preserved particularly along the park line.

VOTE: 3-0 (McIntosh, McCants and Harps (Cummings and McZier not voting)

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

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

FINAL DATE OF ORDER: August 31, 1976

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12170 of Bojan Construction Company, Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to permit a new residential development of 99 units and for variances from the lot occupancy (Sub-section 3303.1), floor area ratio (Sub-section 3302.1) and parking space location (Sub-section 7205.1 and Paragraph 7205.21) requirements in the R-5-A District on a vacant parcel in the 1500 block of Southern Avenue, S.E. (Square 5905, parcel 223/26).

HEARING DATE: July 21, 1976  
DECISION DATE: August 24, 1976

DISPOSITION: Application granted with Conditions by a vote of 3-0 (William F. McIntosh, Leonard L. McCants, Esq., and William S. Harps to grant, Lilla Burt Cummings, Esq. and Ruby B. McZier, Esq. not voting)

FINAL DATE OF ORDER: August 31, 1976

O R D E R

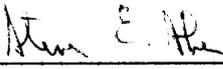
The applicant has submitted a revised set of plans for the buildings proposed to be erected. The applicant proposes to modify exterior elevations, rearrange interior and exterior stairways, relocate certain bathrooms and make other minor architectural changes. The site plan remains unchanged, the basic zoning computations remain unchanged, no additional variances are required and the application still complies with the conditions as set forth in the Order dated August 31, 1976. It is therefore ORDERED that the revised set of plans submitted by the applicant, noted as exhibit R-2 are hereby approved and may be substituted for those originally submitted to and approved by the Board.

VOTE:

3-0 (William F. McIntosh, Charles R. Norris, Leonard L. McCants, Esq. to approve; Ruby B. McZier, Esq. and Chloethiel Woodard Smith not present, not voting)

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

ATTESTED By:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 19 JUL 1977

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.