GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12191, of James Properties, 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 consisting of twelve row-dwellings and two semi-detached dwellings and for variances from the side yard (Sub-section 3305.1) and lot occupancy (Sub-section 3303.1) requirements in the R-5-A District at the premises 5516 - 5542 Hunt Place, N. E., (Square 5204, Lots 831, and 832).

HEARING DATE: September 15, 1976

DECISION DATE: March 8, 1977

FINDINGS OF FACT:

1. The subject property is located on the northwest side of Hunt Place, southeast of Eastern Avenue, N. E. The property has c. 90 feet of frontage on Eastern Avenue and c. 293 feet of frontage on Hunt Place. The site slopes from north to south, with a difference in grade of 32 feet from one corner to the other.

2. The applicant proposes to build fourteen single family dwellings on the site, each 20 feet wide and 37 feet deep.

3. The northeastern most unit would be a semi-detached unit, with an 8 foot side yard adjoining Eastern Avenue. The lot area for this unit would be 2,539.32 square feet, and the lot width would be 28 feet. The normal requirement for lot area is 3,000 square feet and for lot width is 30 feet. Under Sub-section 3301.1, the Board is empowered to prescribe the minimum lot area and width.

4. The southwestern most unit would be a semi-detached unit, with a side yard of 4.5 feet, a lot area of 2.221.91 square feet and a lot width of 24.5 feet. A variance of 3.5 feet from the 8 foot side yard requirement is necessary.

5. The 12 inner units are all rowhouses, on lots which have an area of 1813.8 square feet. The houses occupy 740 square feet of lot, which exceeds the maximum allowable

lot occupancy by 14.48 square feet. A lot occupancy variance is thus required for each of the 12 rowhouses.

6. Each of the houses has an enclosed garage on the first floor, containing the required off-street parking space per unit. There is no public alley at the rear of the site to allow parking spaces to be located in the rear yards of the units.

7. The area to the west of the subject site is zoned R-5-A, and is developed primarily with garden apartments, with some rowhouses. The area to the east and south is zoned R-2 and is developed primarily with semi-detached and detached single family dwellings.

8. The Department of Transportation, by memorandum dated July 1, 1976, offered no objection to the application, and stated that, "no adverse traffic problem should occur due to the proposed housing".

9. The Board of Education, by letter dated, June 22, 1976 offered no objection to the application, and stated that the 14 units will have "minimal impact on school enrollments".

10. The National Capital Planning Commission, by letter dated July 12, 1976, reported that the application "when added to the number of existing dwelling units within the square, will result in a lesser density than the predominant residential density of 30-60 dwellings units per net acre set forth in the "General Land Use Objectives: 1970/1985" element of the Comprehensive Plan for the National Capital, which element, as it relates to this application, is determined to be a District element of the Comprehensive Plan pursuant to the National Capital Planning Act of 1952, as amended by the District of Columbia Self Government and Governmental Reorganization Act."

11. The Department of Housing and Community Development, by memorandum dated July 21, 1976, offered no objection to the application, but recommended that a site grading plan be approved by the Board which "would show how differences in grade elevations are being treated in order to prevent erosion problems on this site as a result of the proposed development".

12. The Municipal Planning Office, by memorandum dated July 20, 1976, recommended approval of the application with modifications to the site plan which would shift all the units 8 feet to the northeast (placing the last unit on the Eastern Avenue property line) and which would require retaining

walls between the rear yards of the units.

13. The Burrville Citizens Association opposed the application, on the grounds that it would be out of character with the existing semi-detached and detached houses in the area and that it would contribute to the already difficult parking problem in the area.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes, based on the reports of the various government agencies, that there are adequate public facilities in the area to serve the proposed development. The Board concludes that the site plan is a reasonable development pattern for the site, and that it provides adequate light, air and amenity on the site. The Board concludes that the use is compatible with other uses in the area in that it will provide single family home ownership housing, even though the R-5-A District does permit rental apartments. The Board concludes that the requested variances are area variances, the granting of which requires a showing of practical difficulty. The Board concludes that such a difficulty exists, partly from the lack of an alley at the rear and the sloping topography, and partly from the necessity to set the northeastern most house back from Eastern Avenue. The Board concludes that the application will not have an adverse effect on neighboring property and is consistent with the intent and purposes of the Zoning Regulations. It is therefore ordered that the application be GRANTED.

VOTE: 3-1 (William F. McIntosh and Leonard L. McCants, Esq., to grant, Ruby B. McZier, Esq., to grant by proxy, Lilla Burt Cummings, Esq., to deny).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 24 JUN 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.