GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12413, of David and Sarah Mushinsky, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to erect a new residential development of 86 dwelling units and for a variance from the front yard requirements (Sub-section 7615-3) in the R-5-A District at the premises 700-728 Bonini Road and 4250-4390 Barnaby Road, S.E. (Square 6249, Parcels 238/36 and 238/38).

HEARING DATE: May 17, 1977
DECISION DATE: August 3, 1977

FINDINGS OF FACT:

1. At the public hearing, the application was amended to delete the request for a variance. The theoretical lot lines required by Section 7615 were redrawn to eliminate the front yard variance. No changes in the site plan were made, nor were any buildings moved, nor did any other physical change result from the redrawing of the lot lines.

2. The subject property is located between Barnaby Road and Southern Avenue, north of Bonini Street, S.E. The property consists of an unimproved tract of land containing approximately 5.7 acres or 249,285 square feet.

3. The applicant proposes to erect eighty-six (86) single family dwellings on the site, in eleven (11) groups of buildings. Under Section 3307, each group of buildings may be considered as a single building for the purposes of the Zoning Regulations.

4. There will be sixty-six (66) row dwellings, each being eighteen (18) feet wide and each containing three (3) bedrooms. There will be twenty (20) semi-detached dwellings, at each end of ten (10) groups of buildings, each being twenty (20) feet wide and containing four (4) bedrooms.

5. Under the standards of Sub-section 3301.5, the maximum number of rowhouses which could be constructed on the site would be 137. The projected floor area ratio would be 0.47, less than the maximum permitted of 0.9. The applicant thus proposes to build significantly less than the maximum permitted.

6. Of the eleven (11) buildings proposed, two will front on Southern Avenue, three (3) will front on Barnaby Road, one (1) will front on Bonini Road and the remaining five (5) will face the interior of the site.

7. The proposed houses will be sold on a fee simple basis, with each owner also having an undivided interest in a home-owners association which will own the common areas of the project. The projected sales price is in the range of $45,000 for a three (3) bedroom unit and $48,000 for a four (4) bedroom unit.

8. Each dwelling will be individually landscaped, as will the common areas. Each unit will have trees planted in the front and rear yards.

9. Approximately fifty per cent of the development is devoted to green space, including eighteen per cent to rear yards, twenty-eight per cent to passive recreation, and four per cent to active recreation. The active recreation space includes two tot lots, a badminton court and a picnic area.

10. The fifteen (15) units facing on Bonini Street will each have a one-car built-in garage containing one parking space. The remaining seventy-two (72) units will be served by 102 spaces grouped within the interior of the site. The total of 117 spaces for eighty-six (86) units exceeds the minimum requirement of one space per unit in the R-5-A District.

11. Access to all the units except those facing Bonini Street will be by way of a private driveway entering from Barnaby Road approximately ninety feet north of Bonini Street.

12. The Municipal Planning Office, by report dated May 12, 1977, and by testimony presented at the hearing, recommended approval of the application. The MPO found that "The arrangement of the buildings throughout the site allows for adequate circulation of light and air." The MPO also reviewed the compliance with Paragraph 3105.42, parking requirements, recreation and open space, landscaping, and grading and drainage. The MPO recommended certain changes in the grading and landscaping plans.

13. The Department of Housing and Community Development, by report dated May 17, 1977, recommended approval of the application, with the suggestion that a walkway be provided between two buildings. The Department stated in part:

> "The proposed development of townhouses for home ownership is consistent with District Housing policy which seeks to encourage such housing, particularly for families of moderate incomes. The proposed houses would also be compatible with the character of the surrounding neighborhood as well as other recent townhouse construction in the vicinity."

The Department also found that the proposed development would not have any undue impacts on public facilities and that the needs of future residents can be expected to be solved reasonably well.

14. The Department of Transportation, by report dated June 2, 1977, stated no objection to the proposed development.

15. The Municipal Planning Office, by memorandum received June 2, 1977, reported on possible adverse environmental impacts. The MPO report includes a copy of a report to MPO from the Department of Environmental Services, dated May 16, 1977. Both reports state that adequate water, storm sewer and sanitary sewer service exists to serve the development. A stream located along the Barnaby Road side of the site is enclosed by a box culvert on adjacent property 14 feet below and seventy feet west of the proposed development. Based upon the distance and the enclosure within the culvert, the probability of adverse impacts occuring from the stream is negligible.

16. There was opposition to the application from residents of the area on the grounds that there is inadequate sewer service in the area, that an under ground stream would create problems for the site, that there are inadequate public services provided by District of Columbia in this area of the city, that there is inadequate recreation space in the area, and that parking and traffic problems would be worsened.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact and a careful review of the evidence of record, the Board concludes that the proposed site plan is appropriate for the property, that adequate light and air will be provided for all dwellings and that the site has been designed in such a manner that there will be no significant problems with grading or drainage. The Board notes that the Department of Environmental Services reviews all applications for building permits, and will require that appropriate environmental safeguards be taken.

Based on the reports of the various government agencies, the Board concludes that adequate public facilities do exist to serve the proposed development, and that the proposed development, being significantly below the maximum density allowed on the site, would not impose upon existing municipal services anything more than a normal and anticipated use.

The Board concludes that the applicant has developed a reasonable site plan, and has made a reasonable attempt to provide sufficient on-site amenities to meet the development needs. To deny the application would be unreasonable and would deprive the property owner of reasonable use of the property. It is therefore ORDERED that the Application be GRANTED.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris, Leonard L. McCants to GRANT, Walter B. Lewis and Chloethiel Woodard Smith not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 6 SEP 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.