

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12550 of MacArthur and V Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Section 7104 to change a non-conforming use from twenty-four apartment units to twelve single family units or in the alternative for variances from the requirements relating to the location of more than one principal building on a lot to permit the creation of eight theoretical lots not meeting the lot area, lot width, lot occupancy, rear yard, side yard and front yard requirements in the R-1-B District at the premises 5000, 5008, 5011 and 5015 V Street, N.W., (Square 1388, lots 71-74, 78-80 and 90).

HEARING DATE: December 21, 1977  
DECISION DATE: January 4, 1978

FINDINGS OF FACT:

1. At the public hearing this application was amended so that the alternative variance relief is not requested. The application was also corrected so that the change of a non-conforming use is from sixteen apartment units rather than twenty-four, as advertised.
2. The subject property is located at 5000, 5008, 5011 and 5015 V Street, N.W. and is in an R-1-B District.
3. The structures on the subject site currently contain sixteen apartments units and four townhouse units which will be converted into twelve single family residences. The structures located on Lots 71-74 are townhouses and after rehabilitation, will be sold in fee simple for single family townhouse use. Therefore, the above-described four townhouse units are not a part of the present application as they may be redeveloped as a matter of right. Upon completion of the project, all structures will be placed on one record lot.

4. The lots which are subject to Board review comprise four out of eight contiguous lots which front on the northeast side of the V Street cul-de-sac. Two of the lots are located on the northern edge and two are located on the eastern edge of the cul-de-sac. All four lots are each improved with a two-story walk up apartment building. All four buildings are unoccupied and undergoing substantial rehabilitation, and each will be converted to two-single family dwellings.

5. Surrounding the site, along the western side of V Street and separated by an alley, are six row houses. On the south-eastern side of the V Street cul-de-sac and separated by a driveway are two detached residences. Behind the site, in the C-2-A District at a higher elevation, are six three-story apartment buildings which are also unoccupied and undergoing substantial rehabilitation.

6. The general character of the area within 300 feet of the subject site is that of a mixture of uses. To the north of the subject site are residential apartments and the Georgetown Day School. East along MacArthur Boulevard is C-2 commercial development including a gas station, drug store, bank, liquor store and Safeway store. South of the subject site are located apartments, nonconforming R-3 type townhouses, and single family residences with extensive commercial development on the MacArthur Boulevard street frontage, such development including several small shops, and the American Security Bank. West of the proposed development are nonconforming R-3 townhouses, single family residences and United States Government owned property.

7. Pursuant to Section 7104.2 of the Zoning Regulations, a Class II nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted.

8. An apartment use such as that existing on the subject site is first permitted as a matter of right in the R-5-B District.

9. The proposed use of row dwellings and semi-detached structures is first permitted as a matter of right in the R-3 District.

10. The proposed use of single family row dwellings and semi-detached housing is a neighborhood facility as the use will become a part of the neighborhood character. The persons purchasing such units will become a part of the neighborhood.

11. The proposed use will not be objectionable because of its nature. The population density of the present development was between thirty-five and forty persons. In contrast, the proposed development will have a population of approximately twenty four to thirty persons, and, therefore, will decrease, population density in the area.

12. The area of the eight theoretical lots which will coincide with the party wall of each converted row dwelling will range from 1,117 square feet to 4,797 square feet with an average area of 2,324 square feet.

13. Interior floor plans have not been submitted. The applicant's architect, however, indicated that each dwelling would have a total floor area of approximately 1,200 square feet.

14. External architectural features of the proposed development were shown in a rendering submitted at the public hearing. Such features were in keeping with the character of development existing in the neighborhood.

15. The proposed development will have normal residential type lighting.

16. Plantings and protective screening for the proposed development are to be provided as shown on the site plan.

17. The applicant proposes to sell a parking space as part of the sales price for each unit of the development. This will constitute an addition of four parking spaces to the eight spaces that are presently provided. The twelve off street parking spaces will be provided at the eastern end of the site to serve the twelve residents.

18. The applicant submitted a site plan and the proposed development with theoretical lot lines. There was evidence that no variance relief is required for the project.

19. Title insurance can be obtained for the theoretical lots described by metes and bounds included in one record lot. The proposed type of ownership of property would be insurable and freely alienable.

20. The Municipal Planning Office, by report dated December 15, 1977, recommended approval of the application on the grounds that the proposed conversion from apartment use to single family use represents a change more in conformity with those uses permitted in an R-1-B District.

21. A neighboring property owner, on behalf of himself and other owner, voiced opposition concerning a private sidewalk which crosses the subject property which the neighborhood had used as access to MacArthur Blvd. It was suggested that a prescriptive easement had been created and the neighbors wished to preserve their continued right to such access. As to the subject project in general they were in favor of the application

22. The Palisdes Citizens Association was on record in unanimously endorsing the application.

23. Advisory Neighborhood Commission 3D, at its meeting held on September 15, 1977, voted unanimously to support the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the application complies with the requirements of Section 7104, as a Class II nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted. An apartment use such as that existing on the subject site is first permitted as a matter of right in the R-5-B District in buildings constructed prior to 1958. The proposed use of row dwellings and semi-detached structures is first permitted as a matter of right in the R-3 District in buildings constructed prior to 1958. Accordingly, pursuant to Section 7104, the change of nonconforming use may be granted subject to the provisions in Section 7109. The Board concludes that the proposed use of single family row dwellings and semi-detached structures will be essentially a neighborhood facility. The Board concludes that the proposed use will not adversely affect the character of the neighborhood as this use is a less intensive use of the property than the prior use as an apartment complex. Furthermore, the proposed use is compatible with the mixture of uses existing within 300 feet of the subject site. As to the question of the possible easement for

access to MacArthur Blvd. the Board concludes that it is not the proper body to resolve such a question, and that those seeking to establish and/or maintain the easement must pursue that issue elsewhere.

The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED on the grounds of a change of non-conforming use.

VOTE: 5-0 (Walter B. Lewis, having read the record, Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants)

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

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

FINAL DATE OF ORDER: 17 FEB 1978

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.