

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12587 of National Mortgage Company, 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 thirty units and for a variance from the open court requirements (Sub-section 3306.1) in the R-5-A District at the premises 1600-1632 and 1700-1724 Gainesville St., S.E., (Square 5830, Lots 1-16 and Square 5822, Lots 28-40).

HEARING DATE: February 15, 1978
DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. At the Public Hearing, the Fort Stanton Civic Assoc., Inc., requested that the Board postpone the hearing on the subject application on the grounds that there was pending before the Zoning Commission a petition to rezone the subject area from R-5-A to R-3 and that a hearing on the matter was scheduled for March 13, 1978. The Board, on the advice of the Office of Corporation Counsel, ruled that the hearing would go forward as advertised and be heard under the Zoning Regulations in effect on that date.

2. The subject property is comprised of two parcels of land located on the north side of Gainesville Street. One parcel is bounded by Gainesville Street, 16th and 17th Streets and a fifteen foot wide public alley. The other parcel is located on Gainesville Street east of 17th Street and is also bounded by two fifteen foot wide public alleys. The premises are known as 1600-1632 and 1700-1724 Gainesville St., S.E., and are in an R-5-A District.

3. The applicant has a contract to purchase the subject property. The contract is subject to the applicant's obtaining, from the Board, the relief sought. The applicant proposes to construct a new residential development consisting of twenty-four row dwellings and six semi-detached dwellings.

The parcel on the east side of 17th St., will have thirteen houses and the parcel on the west side of 17th St., will have seventeen houses.

4. Both parcels are unimproved and vacant, and are covered with natural shrubs and trees. Both parcels are approximately 142 feet deep, so that all the proposed lots will have the same depth of 142 feet. The widths of the lots will range from 18 feet to 26 feet. Most of the lots will be 2565 square feet in area with some lots being up to 3,700 square feet in area. The site slopes up from front to back.

5. The proposed development will be comprised of three housing types. The houses will be arranged in groups consisting of three to five houses each, with some modification in set backs to provide diversity. Parking will be provided at the rate of one parking space per dwelling unit. The parking spaces will be located in the rear yards and have access from the alley.

6. The proposed development will consist of single family houses and the proposed density will be within the R-3 District density requirements.

7. A variance from the open court requirements of Sub-section 3306.1 of the Zoning Regulations will be required for twelve houses. The Zoning Regulations require a minimum dimension of six feet for an open court in an R-5-A District, for one family dwellings. The porches in the proposed development are provided at a distance of two feet from the end wall, creating a two foot open court requiring a four foot variance. The porches are incorporated into the design of entrances and provide a platform for people to stand on to enter the buildings.

8. By memorandum dated Jan. 9, 1978, the application was referred for review and report to the Municipal Planning Office, Department of Transportation, Department of Housing and Community Development and the Board of Education.

9. By memorandum dated Jan. 24, 1978, the Board of Education reported that it had no objection to the proposed dwellings and that there would be no impact upon school facilities in the area from this proposed construction.

10. By memorandum dated March 31, 1978, the Department of Transportation stated that a review of the subject application and site plan showed no adverse effect on the street system in the surrounding area by vehicular traffic generated from the proposed thirty single family dwellings.

11. No report was received from the DHCD.

12. The MPO, by report dated Feb. 10, 1978, recommended approval of the application on the grounds that the subject development will not adversely impact the neighborhood and it will provide new single family housing with home ownership opportunities in the area. The Board so finds.

13. The Fort Stanton Civic Association, Inc., opposed the application on the grounds that a hearing as of the announced Public Hearing Date of Feb. 15, 1978, was premature and that the BZA should await a determination from the Zoning Commission as to the issue of the rezoning of the subject territory.

14. ANC - 8A made no recommendation on the application at the public hearing since it had not received timely notice of the hearing. By letter, received March 6, 1978, ANC 8A recommended approval of the application on the grounds that there was consensus in the neighborhood to go forward with the proposed construction, that the construction will add variety to the already existing community and that the construction will most definitely provide a more beautiful scene than what currently exists on the property. The Board so finds.

CONCLUSION OF LAW:

The Board concludes that it must judge an application based on the Regulations in effect at the time the case is before the Board. In regard to the application, the Board concludes that

the only standards against which the application can be judged are those in Paragraph 3105.42 and Sub-section 8207.2 and Paragraph 8207.11. The property is now zoned R-5-A and not R-3. The Zoning Commission is only considering whether to zone the site R-3; until it has acted, the Board is limited to the present facts.

The Board concludes that the applicant has met all the applicable standards of Paragraph 3105.42. The MPO, DOT, and Board of Education have all reported favorably on the proposal. Based on these reports and the testimony, the Board concludes that there are adequate public facilities to serve the project and that the site plan is such as to provide adequate light, air and amenities.

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the design of the house and the slope of the lot combine to create such a difficulty and that to deny the relief would prevent access to the main floor of the house from the front.

The Board notes that there is divided sentiment in the community on the application, with the Fort Stanton Civic Association opposing the application and ANC 8A in favor. The Board concludes that the opinion of the ANC must be given "great weight", in accordance with statutes, and that the development should be allowed to proceed.

The Board concludes that the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

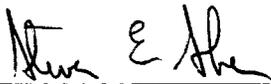
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VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Leonard L. McCants to grant, John G. Parsons to grant proxy).

FINAL DATE OF ORDER: 19 APR 1978

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

ATTESTED BY: 

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.