

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12591, of James B. Hunt and Hugo Bartolucci, 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 and for a variance from the lot occupancy requirements (Sub-section 3303.1) to permit the construction of four row dwellings in the R-5-A District at the premises 2260-2266 Hunter Place, S.E., (Square 5812, Lots 121-124).

HEARING DATE: April 26, 1978
DECISION DATES: May 31, 1978, and July 5, 1978

FINDINGS OF FACT:

1. The subject site is located at the intersection of Morris Road and Hunter Place, S.E., in the R-5-A District. The site is presently vacant. The condition of the site at the present time is extremely poor. It is overgrown with weeds, deeply rutted in places and appears to have collected wind blown trash and debris.
2. The area of the subject site totals approximately 7,101.52 square feet which is comprised of four lots. The exterior Lot Nos. 124 and 121 require variances of 45.78 square feet or 6.38 per cent. The lots 123 and 122 require variances of 9.84 square feet or 1.39 per cent.
3. Single family residential dwellings are found in the immediate vicinity of this site although there are a large number of garden apartment buildings throughout this neighborhood. Fort Stanton Park and Our Lady of Perpetual Help Church are located to the northeast of this property. Single family homes are found along a short section of Morris Road east and west of Hunter Place.
4. The R-5-A District in which this property is located extends southward to Saint Elizabeth's Hospital and Alabama Avenue, S.E., and northward to Good Hope Road and beyond. Pockets of R-1-B and R-2 zoning are located between Elvans Road and 18th Place south-east of the site. A small neighborhood commercial district (C-1) is located south of the site at Howard Road and Bryan Place, S.E.

5. The proposed development on this site was previously approved by the Board, in BZA Order No. 11057, dated December 14, 1972. Construction on the site never proceeded.

6. The applicant proposes to construct four row dwellings. Each unit will be two stories high and constructed of masonry block and face brick, with a concrete slab on grade. Each unit will contain three bedrooms, a family-dining room, living room, kitchen, utility room and two full bathrooms. The units will be in the \$50,000 range.

7. The townhouses front on Hunter Place, S.E. A building restriction line runs parallel to Hunter Place which effectively removes the dwellings approximately sixteen feet from the lot line and approximately thirty feet from the curb line.

8. Site inspection of this property indicated that Morris Road carries slightly greater traffic flows than Hunter Place. Both Morris Road and Hunter Place have metrobus routes, however, Hunter Place has only one route (B-3) which is a rush hour only line. Morris Road has three lines (94, V-1 and V-9) one of which is a rush hour only route.

9. Vehicular access and parking for the units is at the rear of the property. Each unit is supplied with a concrete parking pad. Access is by way of a concrete drive which will be provided for through easement. Access to the easement is from Morris Road, S.E. The parking areas for the two center units are located within the parking access easement. The alley adjacent to 2260 Hunter Place can also be used to provide access.

10. Parking for this project is adequate but requires an easement at the rear lot line to insure that all properties have access. The parking areas for the two end units are adjacent to this easement making the usable depth of the rear yards approximately eight-feet less than the center units.

11. Recreation facilities, other than private yards and patios for each unit, are not provided.

12. By memorandum, dated January 24, 1978, the D.C. Public Schools System stated that no impact upon school facilities in the area would result from the construction of this project.

13. By memorandum, dated March 14, 1978, the D.C. Department of Transportation stated that no adverse impact on the surrounding streets would result from traffic generated by the proposed development. The Department recommended that the driveway from Morris Road be at least sixteen feet wide to provide direct access to the parking pad for the property nearest Morris Road. The Department also recommended that the parking pads be nine feet wide rather than eight feet as shown on the plans.

14. By memorandum, dated March 15, 1978, the Department of Housing and Community Development recommended the approval of the application on the grounds that it is consistent with community wide housing policy.

15. By report, dated May 3, 1978, the Municipal Planning Office recommended the conditional approval of the application, subject to the following conditions:

1. A landscaping plan be submitted to the Board for its review and approval.
2. The provision of fencing or other appropriate device be included as part of a landscaping plan to create private open spaces at the rear of each unit.
3. Each parking pad be nine feet wide as required by the Zoning Regulations.
4. Direct access to the parking pad serving 2260 Hunter Place, S.E., be provided from the adjacent alley.
5. The driveway from Morris Road, S.E., be at least sixteen feet wide in order to provide direct access to the parking pad serving 2266 Hunter Place, S.E.

15. A petition in opposition signed by residents of the surrounding and adjacent communities was submitted. The petitioners believed that the applicants created their own hardship by re-subdividing the lots in anticipation of requesting a variance. In addition, petitioners state that there are inadequate and dangerous parking accommodations for these lots and that the site design frontage on Hunter Place rather than Morris Road, including provisions for parking and trash pick-up will have an adverse impact on the community.

16. Advisory Neighborhood Commission 6C, was in opposition to the application on the grounds that the facing of the homes on Hunter Place instead of Morris Road will create an abrupt change in the aesthetic qualities of the street; will cause an adverse impact on Morris Road properties that face the proposed development, and it will also cause a detriment to the property values of the existing structures, and that there is a possibility that there is a blind corner being created which would present a hazard to approximately one-hundred school children. The Board is required to give "great weight", in the way of careful and explicit consideration, to the issues and concerns of the Advisory Neighborhood Commission. The Board finds that the proposed row dwellings are an appropriate use in an R-5-A District, and that their exterior and interior design and location will not produce an abrupt change in the aesthetic qualities of either Morris Road or Hunter Place. The Board further finds that with the aforementioned landscaping and parking conditions imposed by the Board, as recommended by the Municipal Planning Office and Department of Transportation, the aesthetic qualities of the surrounding streets are further enhanced. The Board further notes that the applicant in the subject situation has the option to determine on which street his dwellings shall front. The said conditions will also further alleviate the ANC concerns about possible traffic hazards. As to the property value concerns of the ANC, the Board finds that this is a subjective matter that can't be predicated upon the subject proposed development. There are many other conditions that might influence property values.

17. At the public meeting of the Board held on May 31, 1978, the application was tentatively approved. The Board directed, that the applicant submit for the review and approval of the Board, the following information:

1. A detailed landscaping plan showing the type and location of all proposed planting. The landscaping plan shall include provisions for fencing or other appropriate screening device to create private open spaces at the rear of each unit.
2. A site plan for the property revised to comply with the following requirements:
 - (a) Each parking space shall be nine feet wide as required by the Zoning Regulations.

- (b) Direct access to the parking space serving 2260 Hunter Place shall be provided from the adjacent alley.
- (c) The driveway from Morris Road, S.E., shall be at least sixteen feet wide in order to provide direct access to the parking space serving Hunter Place, S.E.

18. The requested documents were received and approved by the Board at its July 5, 1978 public meeting.

CONCLUSIONS OF LAW:

The applicant's request is for a special exception to permit a new residential development and for a variance from the lot occupancy requirements. The requested variance is an area variance, the granting of which requires the showing of a practical difficulty stemming from the particular property. As to the practical difficulty there is a lack of flexibility inherent in the subject site due to building restriction lines. The variances sought are minimal. Without the requested variances the units would have to be redesigned adding to their cost. The resulting benefits would be minimal. The Board concludes that the practical difficulty is inherent in the property.

As to the special exception, the Board finds that the proposed housing units are an appropriate use for this site, The Board is also aware of the need for housing in this city and the fact that these homes will be sold in fee simple, thereby encouraging the city's policy of home ownership. The Board concludes that the special exception can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone as embodied in the zoning regulations and map. Accordingly, the application is hereby GRANTED subject to the following CONDITIONS:

1. The detailed landscaping plan and parking plan shall be in accordance with Exhibit 27, reviewed and approved by this Board.
2. The applicant shall record appropriate easements regarding access to the parking spaces at 2262 and 2264 Hunter Place, S.E.

VOTE: 4-1 (Chloethiel Woodard Smith, Charles R. Norris, William
F. McIntosh and Leonard L. McCants to GRANT, Walter
B. Lewis to DENY by PROXY).

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

ATTESTED BY: 

STEVEN E. SHER
Executive Director

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.

FINAL DATE OF ORDER: 1 AUG 1978