

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12620, of Willie Roger and Barbara Jean Lee, 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 subdivision and for variances from the use provisions (Section 3101), lot area and lot width requirements (Sub-section 3301.1), floor area ratio requirements (Sub-section 3302.1) and lot occupancy requirements (Sub-section 3303.1) to permit the construction of three row and four semi-detached dwellings in the R-1-B and R-5-A Districts at the premises 3103-3109 - 18th Street, and 1800-1804 Irving Street, N.E., (Square 4207, Parcels 156/62 and 156/63).

HEARING DATE: April 19, 1978

DECISION DATES: May 3, 1978 and May 31, 1978

FINDINGS OF FACT:

1. The subject site is located at the northeasterly intersection of 18th Street and Irving Street, N.E. The site is comprised of two parcels, Parcel 156/62 measuring 10,066 square feet, zoned R-5-A, and having frontage along Irving Street and also on 18th Street, N.E.; and the other, Parcel 156/63 measuring 7,510 square feet, zoned R-1-B and having frontage on 18th Street only.

2. The surrounding uses consist mostly of large detached R-1-B type single-family houses. There are however, two semi-detached houses facing 18th Street and adjoining the subject property. There is also a movie house, across the street from the subject site.

3. The frontage of Irving Street is developed with a combination of apartment buildings and single family houses. There is also a single family house facing Irving Street on the property adjoining the subject site.

4. It is proposed that the development will consist of a total of seven single family dwelling units. Four units will be located in the R-5-A zone, two units will be located in the R-1-B zone and one unit will be located partially in the R-1-B zone and partially in the R-5-A zone. The need for the requested variances arises from locating the R-5-A type development in the R-1-B zone.

5. The units will consist of three bedrooms, two and one-half baths and attached garages at the first floor that will be accessible from the street.

6. The subject site has irregular topography. The site slopes upward to the north and to the east from the intersection at 18th and Irving Streets. The site also contains a number of trees with diameter exceeding six inches.

7. The R-1-B portion of the site consists of a lot which is fifty feet wide and one-hundred and fifty feet deep and satisfies the width and area requirements of the R-1-B zone.

8. The rear portion of the parcel 156/63, which is zoned R-1-B, is not included in the proposed development. This portion of the parcel which measures 2,500 square feet will become land locked and will have no direct access from or to a street.

9. The R-1-B portion of the site does not have any physical characteristics which would limit its use as permitted as-a-matter-of-right for an R-1-B zone.

10. The R-5-A portion of the site could be developed independently with row houses.

11. The application was referred to the Board of Education, Department of Transportation, Department of Housing and Community Development and the Municipal Planning Office for their review and report.

12. By memorandum dated April 18, 1978, the Board of Education reported that it had no objection to the proposed development and stated there would be no impact upon school facilities.

13. By memorandum dated March 28, 1978, the application was referred to the Department of Transportation for its review. There was no report received from the Department.

14. By memorandum dated April 17, 1978, the Department of Housing and Community Development recommended the approval of the application on the grounds that the proposal is consistent with the policy of the District of Columbia to encourage home ownership.

15. By report dated April 10, 1978, the Municipal Planning Office recommended the denial of the application as proposed. The MPO favored a development on the R-5-A portion of the site.

16. Advisory Neighborhood Commission 5A, made no recommendation on the application.

17. There was no formal opposition to the application. Abutting property owners wanted the area developed but, were concerned if the proposed dwellings were going to be built on a line with the existing dwellings; if the trees would be maintained and the dangerous ones removed, and if there will be a retaining wall between the proposed dwellings and the existing dwellings. The applicant responded to their satisfaction.

18. At its public meeting held on May 3, 1978, the Board of Zoning Adjustment considered the application and voted to Grant the application in part, by approving the three row houses which were proposed to be built fronting on Irving Street, as recommended by the MPO. The Board denied the application as it related to the four houses proposed to front on 18th Street.

19. As to the denial, the Board recommended the applicant to explore the following options for that portion of the property:

1. Build one detached single-family dwelling on the R-1-B portion of the site, and one-detached single family dwelling on the R-5-A portion of the site.
2. Build one detached single family dwelling on the R-1-B portion of the site and two rowhouses on the R-5-A portion of the site.
3. Consider applying to the Zoning Commission to rezone the R-1-B portion of the site to R-5-A and then designing row-houses for the entire R-5-A portion.

20. At the Board's public meeting held on May 31, 1978, it reviewed and approved the revised plans (Exhibit 30) submitted by the applicant to build one detached dwelling on the R-1-B portion of the site, and two semi-detached dwellings on the R-5-A portion of the site.

CONCLUSIONS OF LAW:

Based on the record, including the modified plans (Exhibit 30), the Board concludes that the special exception requested under Paragraph 3105.42 can be granted since the proposed development will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and have no adverse affect on the use of neighboring properties. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to GRANT, John G. Parsons not voting, not having heard the case).

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

**19 JUL 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.