

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12729, of Robert and Leah Blitz and Ralph Foreman, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a new residential development and for variances to allow required accessory parking in front of a dwelling (Paragraph 7205.12) and to allow parking less than ten feet from a dwelling (Paragraph 7205.21) to permit the Sub-division and new residential development comprising of forty-four row dwellings and fifteen semi-detached dwellings in the R-5-A District located in the 2500 block of Alabama Avenue, S.E., (Square 5730, Lots 31, 33, 35, 37, 39 to 70, parts of 80 to 82, parts of 84 to 90, 102-111, 116, 117 and 202 to 205).

HEARING DATE: October 18, 1978
DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the southeast side of Alabama Avenue between Naylor Road and 25th Street, S.E. in the R-5-A District. The property occupies a large portion of the square bounded by Alabama Avenue, Gainesville Street, 28th Street and Naylor Road, and has frontage on Naylor Road as well as Alabama Avenue.

2. The site slopes downward from Alabama Avenue and Naylor Road towards 28th Street. The topography of the site is irregular and the property is very heavily wooded.

3. There are three existing dwellings at 2545-2549 Alabama Avenue. Two of the dwellings are semi-detached and one is a detached unit. These units are surrounded on all three sides by the proposed development, but are not included in the project or the application before the Board.

4. To the south of the proposed development, along 28th Street, are a series of small, two story apartment buildings. There are three and four story apartment buildings adjacent to this property along Naylor Road, and on Alabama Avenue south of 25th Street. Immediately across Alabama Avenue from this site is the playground of the Stanton Elementary School.

5. The applicant proposes to construct forty-four row and fifteen semi-detached dwellings to be sold in fee simple.

6. The property involved in this project contains approximately 132,490 square feet or approximately three acres. The average lot size is approximately 2,172 square feet, in excess of the minimum of 1800 square feet required.

7. There are four proposed models, called brick, english, frame and mansard. All houses will be single family dwellings with three bedrooms and full basements.

8. Four of the units will have garages and the remainder will be provided with surface parking.

9. Twenty-one of the units will have vehicular access directly from Alabama Avenue. The remaining units will have access from a proposed street to be dedicated by the applicant in the interior of the property. This new street will have access from Naylor Road.

10. The average selling price of the units is proposed to be \$55,000.

11. Each unit will have one parking space. Nine of the semi-detached units require variances from Paragraph 7205.21 of the Zoning Regulations which prohibits a parking space from being located less than ten feet from a dwelling. The variances required range from five feet or fifty per cent to eight feet or eighty per cent. Because there are no alleys behind the houses and parking must be in the front, the spaces are located within ten feet of the houses to provide convenient locations for the spaces.

12. A variance from the prohibition against parking in the front yard of a dwelling (Paragraph 7205.12) is requested for fifty-two of the units. There are no public alleys behind the houses, making the provision of parking in the rear impossible. The applicant stated that he preferred to provide more living space in the houses rather than provide garages in the lowest levels.

13. The proposed development does not provide for on-site recreation facilities. There is a large school playground immediately across Alabama Avenue from the project and Fort Stanton Park is approximately one quarter mile away to the west.

14. Extensive grading will be required and a number of retaining walls must be constructed.

15. By memorandum, dated October 19, 1978, the Department of Transportation reported that no measurable adverse impact will be created on the surrounding street systems by vehicular traffic generated by the proposed development. The Board so finds. The Department reserved comment on the driveway connections to public streets until curb cuts are requested. Adequate controls to protect the public interest can be imposed at that time.

16. The D.C. Department of Housing and Community Development, by memorandum dated September 20, 1978, stated that it had no objection to the application and recommended its approval. The Department reported that the neighborhood is well served by nearby shopping, schools, public recreation and open space, and that construction of the dwellings as proposed, will permit opportunities for homeowners consistent with the housing policy of the District of Columbia to encourage home ownership. The Board so finds.

17. The application was referred on July 7, 1978, to the Superintendent of Schools, as required by the Regulations, for review and comment. No reply was received in the record of this case.

18. The Department of Environmental Services, by report of the Municipal Planning Office, dated October 13, 1978, has indicated that sewer and water capacity in the area are adequate to service the proposed development. The Department has indicated that it will require the applicant to meet any concerns it may have regarding soil erosions, grading and drainage prior to issuance of permits.

19. The Municipal Planning Office, by report dated October 13, 1978, and by testimony at the hearing, recommended that the application be approved. The MPO requested that the proposed development will encourage home ownerships, aid in increasing the city's overall housing stock and tend to have a stabilizing influence on the community, all appropriate goals. The Board so finds. In order to improve the parking configuration and lessen the number of variances required, MPO recommended that:

1. The driveway and parking area on dwelling #1 be relocated at least ten feet away from the dwelling.
2. The parking area of dwelling #6 be relocated to the side yard of the dwelling.
3. The driveways and parking areas of dwellings #23, #24, #25 and #26 be reduced in length by five feet and;
4. Dwelling #31 include a garage rather than surface parking;

The Municipal Planning Office also recommended that:

1. The "paper alley" in the interior of the project be closed and the proposed interior street be a private street, or that the entire right-of-way for the interior street be improved and dedicated to the District of Columbia;
2. The interior street be designed and constructed in accordance with the District of Columbia Department of Transportation standards for public streets of this nature;
3. All driveways and parking areas be constructed so as to conform to standards acceptable to the Department of Transportation;
4. In order to provide private recreation space, the rear yards of all units be provided with a concrete patio or other hard surface and enclosed with a stockade, board and batten, basketweave or similar fence of a minimum height of six feet;
5. Each lot be landscaped in accordance with the landscape plan submitted by the applicant in this case.

20. Advisory Neighborhood Commission 7B, by letter dated October 16, 1978 supported the application.

21. There was no opposition to the case.

CONCLUSIONS OF LAW:

Based on the record and the reports of various government agencies, the Board concludes that adequate public facilities do exist to serve the proposed development, and that the proposed development will not impose any excessive demands upon the existing municipal services.

The Board further concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty.

The Board concludes that the lack of public alleys on this site and the configuration of the lots constitutes a practical difficulty and warrants the granting of relief. As to the special exception, the Board concludes that the proposed development is in keeping with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that the proposed development will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

Accordingly, this application is GRANTED, subject to the following CONDITIONS:

1. The driveway and parking area on dwelling No.1 as shown on the site plan marked as Exhibit 37 of the record shall be relocated at least ten feet away from the dwelling.
2. The parking area of dwelling No. 6 as shown on the site plan marked as Exhibit 37 of the record shall be relocated to the side yard of the dwelling.
3. The driveways and parking areas of dwellings No.23, 24, 25 and 26 as shown on the site plan marked as Exhibit 37 of the record shall be reduced in length by five feet.
4. Dwelling No.31 as shown on the siteplan marked as Exhibit 37 of the record shall include a garage rather than surface parking.

5. The "paper alley" in the interior of the project shall be closed and the proposed interior street be a private street or in the alternative the entire right-of-way for the interior street be improved and dedicated to the District of Columbia.
6. The interior street shall be designed and constructed in accordance with the District of Columbia Department of Transportation standards for public streets of this nature.
7. All driveways and parking areas shall be constructed so as to conform to standards acceptable to the Department of Transportation.
8. The applicant shall construct brick walls five feet in height extending fifteen feet toward the rear from each side of the back of each house. Such walls may be constructed in an open fashion to allow passage of light and ventilation.
9. The applicant shall construct an eight foot by ten foot exposed aggregate concrete patio with one foot square scoring at the rear of each dwelling.
10. Each lot shall be landscaped in accordance with the landscape plan submitted by the applicant, marked as Exhibit 36 of the record.

VOTE: 4-0 (John G. Parsons, Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to GRANT, Leonard L. McCants no present, not voting).

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: 29 NOV 1978