

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12756, of R.A. Froe, 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 from the rear yard (Sub-section 3304.1) and lot occupancy requirements (Sub-section 3303.1) to permit the proposed subdivision and new residential development comprising of three row and three semi-detached dwellings in the R-5-A District at the premises 5030, 5032, 5034 and 5036 Nash Street, N.E. and 1300-1302 Eastern Avenue, N.E., (Square 5172, Lots 23, 2 and 801).

HEARING DATE: September 27, 1978
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District at 5030, 5032, 5034 and 5036 Nash Street, N.E., and 1300 & 1302 Eastern Avenue, N.E. The property is split into two parts, both fronting on Eastern Avenue on opposite sides of 50th Street.

2. The subject property is presently vacant and unimproved.

3. The first site, 1300 and 1302 Eastern Avenue, N.E., is irregular in shape, has a basically level topography and is bounded by Eastern Avenue on the north, 50th Street on the east and a public alley on the south and by semi-detached dwellings to the west. This site shall be referred to as the Eastern Avenue site.

4. On the Eastern Avenue site, the applicant proposes to build two semi-detached dwellings; one lot would contain 2,207 square feet in land area, and the other would contain 2,332 square feet in area.

5. The lot widths average 28.51 and twenty-five feet, and the units are setback approximately thirty feet from the curb of Eastern Avenue.

6. The applicant proposes to provide one parking space at the rear of 1302 and construct a carport on the eastern side of 1300 Eastern Avenue.

7. The second site, 5030, 5032, 5034 and 5036 Nash Street has a generally level topography. It is bounded by Nash Street, Eastern Avenue and 50th Street, and shall be referred to as the Nash Street site.

8. The applicant proposes to construct two row dwellings and two semi-detached dwellings on the Nash Street site. The units will be setback approximately thirty feet from the curb line along Nash Street.

9. The applicant proposes one parking space for each dwelling unit, with the space provided at the rear of 5030, 5032 and 5034 Nash Street, with access provided by a proposed 20 foot alley. Parking for 5036 will be provided in a carport on the eastern side of the structure, with access provided by a driveway which connects to Nash Street.

10. Concerning the development as a whole, the average lot size is 2,371 square feet in area. All units will be constructed out of brick material, have a rear deck, three bedrooms, 1 - 1/2 baths and provide 1,280 square feet of living area above the basement level. Submitted landscaping plans indicate that shrubs and trees will be planted along the front and rear of each dwelling unit.

11. The only variances required by the applicants concerns the Eastern Avenue site because of the irregular shape of lot 801. The maximum lot occupancy is limited to forty per cent or 882.80 square feet for the dwelling at 1300 Eastern Avenue. The applicant has provided a building area of 904 square feet. Thus a variance from the lot occupancy of 21.20 square feet or 2.41 per cent is required. The regulations require a rear yard of at least twenty feet. The applicant has provided a 16.95 square foot average. Thus a variance of 3.05 feet or 15.25 per cent is required.

12. The Eastern Avenue site is immediately adjoined by eight vacant semi-detached dwellings that are currently being rehabilitated and restored. To the south, separated by a densely vegetated unimproved alley, are the rear yards of semi-detached dwellings which front along Nash Street. To the west is the Nash Street site.

13. The Nash Street site is surrounded by semi-detached dwellings to the west, a large vacant parcel to the north, and detached stucco and wood frame dwellings to the south.

14. The Department of Environmental Services, by memorandum dated September 14, 1978, offered no objections to the granting of this application.

15. The Department of Housing and Community Development, by memorandum dated September 20, 1978 offered no objection to favorable action by the Board on this application. The Department reported that the proposed housing would put no undue strain on existing facilities in the area and should be adequately served by them". The Department also reported that the proposal will permit home ownership opportunities consistent with the District's housing policies. The Board so finds.

16. The Board of Education, by memorandum dated September 6, 1978, offered no objections to the granting of this application, and reported that the development would have no impact upon school facilities in the area. The Board so finds.

17. The Municipal Planning Office, by report dated September 19, 1978, recommended approval of the application on the grounds that the proposed development provides for the adequate circulation of light and air, complies with the parking requirements of Article 72, and would not be likely to adversely affect the surrounding neighborhood. The Board so finds.

18. The Department of Transportation, by memorandum dated October 4, 1978, reported that the traffic generated by the proposed development would not impose measurable impacts upon the surrounding street system or community. The Board so Finds. The Department recommended to the Board that the applicant be required to include sidewalks and to construct the alley in order to avoid delays in providing these required features if the District were required to do the work.

19. The Advisory Neighborhood Commission, 7C, by report dated September 21, 1978 recommended approval of this application.

20. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, including the reports of the various government agencies, the Board is of the opinion that the applicant has met the required burden of proof of Sub-section 8207.2 and Paragraph 3105.42 of the Zoning Regulations.

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that the irregular shape of the property does create such a difficulty.

The Board concludes that the granting of the requested variances would be in harmony with the intent and purpose of the Zoning Regulations and Map. The applicant complies with the parking requirements of Article 72. The Board further concludes that the proposed development would not likely adversely affect the surrounding neighborhood. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:

1. The alley shall be improved by the applicant in accordance with the requirements of the Department of Transportation.
2. The applicant shall provide sidewalks in accordance with the requirements of the Department of Transportation.

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

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

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

FINAL DATE OF ORDER: 9 NOV 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING PERMIT AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.