

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13014, of Curtis Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area and width requirements (Sub-section 3301.1) for a proposed subdivision and new residential development comprising three row dwellings in an R-3 District at the premises 1346-1350 Valley Place, S.E., (Square 5799, Lot 978).

HEARING DATE: November 7, 1979  
DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The application was originally scheduled to be heard on August 22, 1979. The property was not posted with the notice of the hearing, as required by Section 3.33 of the Supplemental Rules of Practice and Procedure. The hearing was continued until October 17, 1979, for which proper posting was made, and then again until November 7, 1979, when the case was heard.
2. The subject property is located on the north side of Valley Place between High Street and Chester Street in an R-3 District.
3. The subject property consists of one vacant lot which is fifty-three feet wide and 100 feet deep.
4. The applicant proposes to subdivide the lot and construct three row dwellings on the site.
5. Each of the three lots would be 17.67 feet wide. The Zoning Regulations require a minimum lot width of twenty feet for a row dwelling in an R-3 District. A lot width variance of 2.33 feet is thus required for each lot.
6. Each of the three lots would contain 1767 square feet of lot area. The Zoning Regulations require a minimum lot area of 2000 square feet for a row dwelling in an R-3 District. A lot area variance of 233 square feet is thus required for each lot.

7. Each row dwelling would be 17.67 feet wide and forty-four feet deep. Each unit would be two stories in height with no basement. Each dwelling would contain a living room, kitchen, dining room and family room on the first floor, and three bedrooms and one bathroom on the second floor.

8. Each dwelling would have a parking space in the rear yard, accessible from a ten foot alley. This meets the requirement of the R-3 District.

9. The dwellings would comply with the lot occupancy and rear yard requirements of the Zoning Regulations.

10. There are detached single family dwellings of frame construction to the north across the alley and to the east along Valley Place. Across Valley Place to the south is a large three story apartment house and other single family dwellings. To the west are two semi-detached dwellings and other single family dwellings. There are existing row dwellings on the south side of Valley Place, further west of the subject site. The area thus has a mix of housing types, including detached, semi-detached and row dwellings.

11. The Office of Planning and Development, by report dated October 10, 1979, and by testimony at the hearing, recommended that the application be denied on the grounds that the proposal would cause overdevelopment of the site. The OPD reported that the site is rectangular and has no topographic irregularities or other problems relating to its shape which would preclude development in accordance with the R-3 Districts. The OPD recommended that development of two semi-detached dwellings would be compatible with the neighborhood.

12. As to the OPD report and recommendations, the Board finds that construction of two semi-detached dwellings would require lot area and lot width variances, the same relief requested herein. The Board finds that, if the property is affected by some condition to allow the granting of variances for two semi-detached dwellings, the same conditions would apply for variances for row dwellings. As to overdevelopment, the Board finds that within a short distance from the site, there are already existing detached, semi-detached and row dwellings. The Board finds that there is no evidence to suggest that there would be any material difference in impact between three row dwellings and two semi-detached dwellings.

13. Advisory Neighborhood Commission - 6C, by letter to the Office of Planning and Development dated August 21, 1979, opposed the application because the area is already a high density area, because of the negative impact on the environment and because row type structures will greatly change and hamper the environment situation of the neighborhood. The ANC also noted that no sign was posted on the property.

14. There was also a petition submitted to the record from residents of Valley Place, W Street, 14th Street and other streets in the immediate area. The petitioners opposed the application on the grounds that the variance would conflict with existing structures in the R-3 District, that parking is already overcrowded, and that the structures do not conform to the existing standards of the historic Uniontown area.

15. As to the issues raised by the ANC and the petitioners in opposition, the Board in Finding of Fact No. 10 determined that the area already contains a mixture of residential uses and structures. Row dwellings are permitted as a matter-of-right in R-3 Districts. In responding to the issues raised by the Office of Planning and Development in Finding of Fact No. 12, the Board determined that there would be no material difference in impact between two units and three units. The lack of posting prior to the August 22, 1979 hearing is addressed in Finding of Fact No. 1. In Finding of Fact No. 8, the Board determined that parking spaces are being provided in accordance with the Regulations. As to conformance with the character of the historic district, the applicant must have his plans reviewed under the process established by the Historic Landmark and Historic District Protection Act of 1978. Such review will meet the concerns expressed in the petition.

#### CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of some exceptional situation or condition of the property which causes a practical difficulty for the owner. The Board concludes that the size and width of the lot creates the difficulty. Even subdividing the property into two lots for semi-detached dwellings would require lot area and lot width variances. The Board concludes that construction of three row dwellings would not be out of character with the area. The Board further concludes that it has taken note of the issues and concerns of the Advisory Neighborhood Commission and the persons in opposition, that it has accorded to the ANC the "great weight" to which it is entitled, but for the reasons stated that it arrives at a different result than that urged by the ANC.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purposes and integrity of the zone plan as embodied in the zoning regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 3-1 (Walter B. Lewis, Charles R. Norris and William F. McIntosh to GRANT, Leonard L. McCants OPPOSED, Connie Fortune not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 27 FEB 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.