

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13206 of Buchanan Street Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing open parking spaces within ten feet of a dwelling (Paragraph 7205.21), from the prohibition against allowing parking spaces in front of a dwelling (Sub-section 7205.1) and from the rear yard requirements (Sub-section 3304.1) to construct semi-detached dwellings in an R-2 District at the premises 4728-34 and 4750 - 6th Place, N.E., (Square 3796, Lots 58,84,85,86 and 69).

HEARING DATES: April 23, 1980 and June 11, 1980
DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The subject site is located east of the Metrorail line between 6th and 7th Streets, N.E. and is known as premises 4728-34 and 4750 6th Place, N.E. It is in an R-2 District.

2. North and east of the site are single family semi-detached homes which reflect the underlying R-2 zoning. To the south is the Stanley-Martin development which was approved to be developed with a variety of housing types in BZA Case No. 11631 but is currently being built with semi-detached units as a matter-of-right. The zoning for the Stanley-Martin tract of land is R-5-A while the subject property is zoned R-2. There are a number of C-M and M zoning districts in the area primarily paralleling the railroad tracts. Within these areas are warehouses and heavy commercial and manufacturing establishments. The Department of Environmental Services operates an incinerator which is located on the west side of the Metro line.

3. This application is one of two applications now before the Board from the Buchanan Street Limited Partnership related to the same development known as the Buchanan Mews.

The other application, No. 13224, involves a request for variances from the rear yards for fourteen structures not included in the subject application.

4. There are five lots out of a total of twenty-two lots in the proposed development, the Buchanan Mews, that are included in the subject application. Of the five lots, four lots, 58,84, and 86 are located at the northeast corner of the proposed development, and the remaining one, lot 69, is located at the southeast corner.

5. Of the five lots, two are rectangular in shape and have an area of 3,017 and 3,041 square feet. The remaining three lots are irregular in shape and have 3,263 to 3,808 square feet in area. The R-2 zoning district in which the property is located, requires a minimum of 3,000 square feet lot area for semi-detached single family dwelling units.

6. The applicant proposes that the required parking spaces on lots 58,84,85 and 86 will be located in the front yards at a distance ranging from six feet to one foot from the structures. The Zoning Regulations do not allow parking spaces to be located in the front yards and also, a minimum distance of ten feet is required between the parking space and the structure. The applicant seeks variances regarding the location of the parking spaces to construct the proposed semi-detached single family dwelling units on said lots.

7. The applicant proposes that lot 69 will have a rear yard of eleven feet instead of the required twenty feet. The applicant seeks a variance from the Zoning Regulations to construct a semi-detached single family dwelling unit on lot 69.

8. The applicant testified that the peculiar topography of the land did not permit construction of the parking spaces without substantial restructuring of the lots themselves. The applicant noted that the lots were characterized by steep slopes of up to thirty degrees, or four to five feet in height from the front of each unit toward the back or vice-versa. To correct this topographical feature would require removal of large amounts of soil and construction of unsightly and high retaining walls in the rear of each lot. Moreover, the design of the units themselves would require

substantial change, and, these changed units would bare little resemblance to the architectural design of those homes in the immediate and surrounding neighborhood.

9. The subject Buchanan Mews was purchased by the applicant from a prior developer who had recorded the plat which governs the subject project. The street was dedicated and the configuration of the lots set. The architect designed a prototype unit for all twenty-two lots which was to reach a middle income buyer. In siting the houses it was discovered that the prototype house could not be sited on the subject five lots without the subject variances.

10. The applicant's witnesses testified that it was possible to redesign the subject five houses, with their topographical problems, without a need for variances but with additional expenses. None of the subject five dwellings are under construction.

11. The Office of Planning and Development by report dated June 9, 1980 recommended that the application be denied. OPD reported that it appears that the site was divided into individual lots to satisfy the minimum lot area requirements of the Zoning Regulations. However, the placement of the proposed structures on these lots results in very tight clearances and unusual driveway shapes. It is the opinion of the OPD that the open spaces around the structures are so arranged that the normal use of the open spaces would be substantially curtailed. The site could be resubdivided and/or the structure could be redesigned in a manner that would remove the necessity for variances. The Board so finds.

12. The North Michigan Park Civic Association opposed the application on the grounds that contrary to what the applicant stated the Association had not approved the proposed project. No written recommendation was submitted to the record.

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

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board concludes that because of the topography of the land, there is a practical difficulty but only for the prototype unit to be sited on the subject lots.

The applicant's witnesses testified that it was possible to redesign the subject five houses with additional expenses. The Board concludes that additional expenses do not constitute the practical difficulty. The Board further concludes that the variances cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Ruby B. McZier, Connie Fortune, Charles R. Norris, William F. McIntosh and Leonard L. McCants to deny).

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

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

FINAL DATE OF ORDER: 25 AUG 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."