

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13219, of Ted W. Gilliam, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a proposed subdivision to construct three row dwellings in an R-5-A District at the premises 2605, 2615 and 2625 Q Street, S.E., (Square 5586, Lots 40 and 41).

HEARING DATE: May 14, 1980

DECISION DATES: June 4, July 2, September 3 and October 1, 1980

FINDINGS OF FACT:

1. At the public hearing, the Board determined that the notice of the public hearing had been posted on the property only nine days in advance of the public hearing, one day less than the time required by the Supplemental Rules of Practice and Procedure before the Board. The applicant posted the property on Monday rather than Sunday through inadvertance. The Board ruled to waive the one-day late posting and hear the case as advertised.

2. The subject property is located in an R-5-A District on the south side of Q Street between 26th Place and 27th Street, N.W.

3. The subject property consists of two lots, each twenty-five feet wide by 100 feet deep, for a total area of 5,000 square feet. The site is presently vacant and wooded, and slopes downhill from front to back.

4. The applicant originally proposed to subdivide the property into three lots, and construct a single family row dwelling on each lot. Two lots would be 16.67 feet wide, and contain an area of 1667 square feet each. The third lot would be 16.66 feet wide and contain an area of 1666 square feet.

5. The houses proposed to be constructed would have had three stories and would have been thirty feet deep. The first floor had a one-car garage, recreation room, powder room and utility room. The second floor contained a living room, dining room, kitchen and powder room. The third floor contained two bedrooms, a den and one bathroom.

6. The three houses would all face directly onto Q Street. None would exceed the maximum permitted lot occupancy of forty per cent and all would have large rear yards of seventy feet in depth.

7. To the north of the subject site, across Q Street, is a vacant lot and a single family detached dwelling in the R-2 District, and a three story red brick apartment house in the R-5-A District. To the east is a three story red brick apartment house in the R-5-A District. To the north is a public alley, which is shown on the records of the District but is not improved followed by vacant property zoned R-5-A. To the west is a single family dwelling followed by a three story apartment house also zoned R-5-A.

8. The application was referred to the Board of Education, the Department of Transportation and Department of Housing and Community Development and the Office of Planning and Development, as required by Sub-Paragraphs 3105.421, 3105.422 and 3105.423.

9. The Superintendent of Schools, by memorandum dated March 24, 1980, found no objection to the application and reported that there will be no impact upon school facilities in the area caused by the construction.

10. The Department of Transportation, by memorandum dated April 10, 1980, reported that there will be no measurable adverse traffic impact on the street system in the surrounding area because of the vehicular traffic generated by the proposed development.

11. The Department of Housing and Community Development, by memorandum dated April 7, 1980, reported that the lots which are the subject of this application are presently vacant and located in an R-5-A District. Most of the surrounding area is built up of residential development consisting of apartments and semi-detached dwellings. The site is roughly three blocks from Pennsylvania Avenue, with much local shopping, to the north and Minnesota Avenue, about the same distance to the west. Both are major arteries which provide good access to all parts of the city. Benjamin G. Orr Elementary School is located along Minnesota Avenue, and Anacostia Park, a major public open space, is some blocks further to the west.

The Department further reported that the proposed row houses would be compatible with their surroundings and would be well served by existing public and private facilities. In view of the small number of houses involved, it was the Department's view that the proposed houses would not cause any adverse impact on the neighborhood or existing facilities. The Department reported that the proposed units would provide an opportunity for additional homeownership and would thus be consistent with District policy. The Department of Housing and Community Development had no objection to the granting of the application and supported favorable action by the Board.

12. The Office of Planning and Development, by memorandum dated May 23, 1980, recommended that the application be conditionally approved. The OPD was of the opinion that this development could be improved to provide its future residents with larger interior living areas and a more attractive building facade. The OPD recognized the applicant's desire to keep the units within a marketable price range. However, OPD was opposed to sacrificing fenestration quality and unit size to this end. The OPD believed that if the proposed thirty foot long buildings were extended just ten more feet into the seventy foot long rear yard, it would substantially increase the livability of the units by providing larger roomier living spaces. The OPD was further of the view that the buildings' fenestration, and site plan landscaping treatment should be indicated in more detail. The OPD was of the opinion that the development will not tend to effect adversely the use of the neighboring properties and that it generally meets the provisions of Paragraph 3105.42. The OPD recommended that this application be approved with the condition that the applicant submit a landscape schedule and a more detailed front elevation, specifically to indicate front door and window treatment (outdoor light fixture type, door molding style, etc).

13. There was no report from Advisory Neighborhood Commission - 7B.

14. There was no opposition to the application.

15. Subsequent to the hearing, when the Board discussed the case at its meeting of June 4, 1980, the Executive Director advised the Board that he believed that the application would require a variance from the provisions of Sub-section 3301.5. That Sub-section requires in part that "each row dwelling shall have at least 1,800 square feet of gross land area..." In this case, the total area of the site is 5,000 square feet, which is an average gross lot area of 1,666.67 square feet. By memorandum dated June 10, 1980, the Executive Director confirmed that a variance from Sub-section 3301.5 would be necessary for the application. He further advised that James J. Fahey, the Zoning Administrator, concurred in that view.

16. The report of the Office of Planning and Development, and the memo from the Executive Director were served on the applicant to afford him an opportunity to comment, and to request to amend the application to include the variance.

17. By letter dated June 24, 1980, the applicant formally requested to amend the application to seek a variance from Sub-section 3301.5. The applicant also offered to meet the requirements set forth by the Department of Planning and Development. However, the applicant offered no testimony or evidence as to how the property would qualify for a variance. Furthermore, the applicant submitted no plans which met the OPD specifications.

18. At its meeting held on July 2, 1980, the Board determined to deny the application by a vote of 4-0 (Connie Fortune, William F. McIntosh, Leonard L. McCants and John G. Parsons to deny, Charles R. Norris not voting, not having heard the case). The Board further directed the staff to advise the applicant that, if he wished, he could submit plans for the development of two units on the site. The Chairman further ruled that if no such plans are received, the Board's decision to deny the application would stand and a written order to that effect would be issued.

19. The applicant did submit detailed revised plans, marked as Exhibit No. 31 of the record, showing two houses on the site.

20. The revised plans showing two units eliminate the need for any variances, and also eliminate the need for any further subdivision.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 3105.42 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The reports of the Office of Planning and Development, Department of Housing and Community Development, Department of Transportation and Board of Education all recommend approval. The applicant's revised plans met the points raised by OPD. The Board further concludes that no variances are required for the revised project.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the CONDITION that the property be developed in accordance with the revised plans marked as Exhibit No. 31 of the record.

VOTE: 3-0 (William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT; Charles R. Norris and Theodore F. Mariani 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: 1 DEC 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.