

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13442, of the Watkins Partnership, as amended, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.46 to permit a new residential development comprising an apartment house of eight units and variances from the prohibition against allowing a theoretical subdivision of one lot into two lots not meeting the side yard requirements (Sub-section 3305.1) and the rear yard requirements (Sub-section 3304.1) and from the prohibition against allowing an open parking space within ten feet of a proposed apartment house (Paragraph 7205.21) in an R-5-A District at the premises 408 Cedar Street, N.W., (Square 3276, Lot 45).

HEARING DATES: March 4, and June 24, 1981

DECISION DATES: March 4, and June 24, 1981 (Bench Decisions)

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 4-0 (Walter B. Lewis, William F. McIntosh, Douglas J. Patton and Connie Fortune to GRANT; Charles R. Norris not present, not voting) on the original application and by a vote of 4-0 (Charles R. Norris, William F. McIntosh, Douglas J. Patton and Connie Fortune to GRANT; Lindsley Williams ABSTAINED) on the amended application.

FINAL DATE OF ORDER: July 16, 1981

FINDINGS OF FACT:

1. The subject application was granted by the Board subject to the development being constructed in accordance with the revised plans marked as Exhibit 29 of the record, and to the applicant's providing lighting fixtures in the area between the existing and proposed buildings, as described on Exhibit No. 27 of the record.

2. By letter dated June 2, 1982, the applicant requested the Board to clarify the conditions of its approval of the application. The need for the requested clarification was based on the condition requiring development to be in accordance with Exhibit No. 29 of the record and a change in the parking plan which increased the number of spaces from twelve to fourteen. The applicant submitted a copy of the plans on file with the Zoning Review

Branch on July 2, 1982. These plans are marked as Exhibit No. 38 of the record.

3. At the public hearing of March 4, 1981, the applicant submitted a site plan, Exhibit No. 20 of the record, which reflected changes in the original plans related to the set back and facade of the building to meet the objections of the Joint Committee on Landmarks and the Takoma Park community. This site plan was approved by the Board.

4. A further hearing was held on June 24, 1981 to consider increasing the number of units from six to eight. The architect, in showing the increased number of units, used the original site plan instead of Exhibit No. 20. Therefore, Exhibit No. 29 of the record reflects the modifications necessary to increase the number of units but does not incorporate the changes in setback and facade approved by the Board at the March 4, 1981, public hearing.

5. The Board considered the applicant's request at its public meeting of July 7, 1982. Upon reviewing the plans marked as Exhibit No. 38 of the record, the Board noted that only twelve parking spaces were delineated. The Board therefore deferred a decision on the applicant's request until its public meeting of August 4, 1982 to allow the submission of an accurate parking layout.

6. By letter dated July 8, 1982, the applicant submitted a copy of the parking plan for the subject site. The applicant stated in the letter that the request of June 2, 1982 was in error in that twelve rather than fourteen parking spaces are provided. The applicant stated further that the proposed parking layout eliminates the need for any substandard size parking spaces and allows the retention of a large tree to the rear of the lot.

7. The Board finds that the facts relied upon in granting the relief sought in the application have not been affected by the change in the parking layout submitted by the applicant. The Board further notes that the plans marked as Exhibit No. 38 of the record incorporate the plans approved by the Board on March 4, 1981 and the modification of those plans to increase the number of units from six to eight approved by the Board on June 24, 1981.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed modification in the parking layout on the subject site is cosmetic in nature and is in accord with the number of parking spaces approved by the Board in its order of July 16, 1981. The Board further concludes that the plans marked as Exhibit No. 38 of

the record are in accord with the relief granted during the two public hearings by the Board.

It is therefore ORDERED that the proposed modification and Consolidation of plans is APPROVED and that the plans marked as Exhibit No. 38 of the record are approved and shall be substituted for those approved by the Board as Exhibit No. 29. In all other respects, the Order of the Board dated July 16, 1982 shall remain in full force and effect.

DECISION DATE: August 4, 1982

VOTE: 5-0 (Walter B. Lewis, Connie Fortune, Charles R. Norris, William F. McIntosh and Douglas J. Patton to APPROVE).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 31 1982

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."