

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13657 of Holy Cross Housing Limited Partnership, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraph 3105.42 for a proposed new subdivision and residential development comprising twenty-five flats and conversion of an existing structure to an apartment house of thirty-two units and under Sub-section 3307.2 to allow a group of flats with division walls from the ground up to be erected and deemed a single building and for variances from the prohibition against allowing required accessory parking to be located in front of a proposed apartment house (Paragraph 7205.12) and the height in stories requirements (Sub-section 3201.1) in an R-5-A District at the premises 4301 Harewood Road, 4300-4322 First Street and 31-55 Varnum Street, N.E., (Square 3666, Lot 803).

HEARING DATE: April 14, 1982  
DECISION DATE: May 5, 1982

FINDINGS OF FACT:

1. The subject site is situated on the crest of a hill and comprises a triangular piece of land bounded by First Street, Varnum Street, Clermont Drive and Fort Drive, also known as Harewood Road. It is known as premises 4301 Harewood Road, 4300-4322 First Street and 31-55 Varnum Street, N.E. The site is located in an R-5-A District.

2. The site contains 2.15 acres of land. It is improved with a single mansion type brick building which faces Fort Drive. The existing building was used most recently for institutional purposes by the Holy Cross Foreign Missionary Society. It was built in 1921 and remodeled in 1961. The structure housed approximately seventy-eight missionaries and twelve faculty members.

3. The applicant now proposes a new subdivision and residential development comprising twenty-five flats and the conversion of the existing structure to an apartment house of thirty-two units. The applicant requires the following relief from the BZA:

- a. Special exception under provisions of Paragraph 3015.42 allowing new residential development comprising twenty-five row flats to be built in five groups and conversion of

an existing structure to an apartment house of thirty-two units.

- b. Special exception under provisions of Sub-section 3307.2 allowing a group of flats with division walls from the ground up to be erected and be deemed a single building.
  - c. Variance from the provisions of Paragraph 7205.12 allowing three required accessory parking spaces in front of a proposed apartment house.
  - d. Variance from the limitation on building height in stories (Sub-section 3201.1) requirements allowing a building height of four stories at 31-37, 39-47, 49-55 Varnum Street and 4312-4322 and 4300-4310 First Street.
4. The site has a very steep topography to the north and east. The high point occurs on the southwest of the site where the existing vacant building is located. The site slopes down toward First and Varnum Streets to the east and the north. The lowest elevation on the site occurs in the vicinity of the intersection of First and Varnum Streets. The maximum difference in elevation at the site is approximately forty-five feet. The undeveloped portion of the site is occupied with a large number of mature trees. The surrounding area is presently developed with two story dwelling units with basements partially above grade. The subject site is surrounded by R-5-A zoned, developed properties.
5. Paragraph 3105.42 of the Zoning Regulations requires referral of the application to the D.C. Board of Education, Department of Transportation, Department of Housing and Community Development for their comments and recommendations and to the Office of Planning Development for comment and recommendation on the site plan, arrangement of buildings and structures, provision of light, air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood. All said referrals were made on September 17, 1981.
6. The site's frontage along First and Varnum Streets would be developed with fifty dwelling units in flats comprising five buildings. Certain of the five buildings will be four stories in height.
7. Eighty-two parking spaces would be provided for the total development, flats and apartments. Vehicular access to the proposed development would be provided from Fort and Clermont Drives, N.E. The proposed eight-two

parking spaces will be on grade, generally at a higher elevation than the proposed new buildings' ground floors. This extensive parking area will be the predominant view for the proposed new buildings.

8. The parking spaces for the proposed flats are technically to the rear of the flats but are in front of these units. The functional entrance to the flats face the parking spaces. There are no exits from the flats that go down to First or Varnum Streets. There will be exits at the street elevations but no connection to the streets. The addresses of the flats will be a Harewood Road address. The front will be at one side and the address at another.

9. The density as proposed will be thirty-eight units to the acre.

10. The proposed development would be marketed under a condominium arrangement. The flats would sell in the \$70,000 bracket; the apartment building units would sell for approximately \$50,000, excepting the larger units.

11. The Department of Transportation, by memorandum dated April 13, 1982, reported that Fort Drive on which both ingress and egress will be provided, is classified as a minor arterial street. On-street parking is permitted during the non-peak periods. It is a four lane roadway approximately forty-four feet wide. All other streets surrounding the site, First Street, Varnum Street and Clermont Drive, are local streets with unrestricted parking on both sides. The proposed development is expected to generate approximately thirty-two new automobile trips during each of the peak hours. The DOT did not anticipate that measurable adverse impact will be imposed by this development on the surrounding street system in the area. The DOT recommended that the applicant construct sidewalk and curb and gutter along First Street, Varnum Street, and Clermont Drive adjacent to the proposed development. Assessments that the city would need to levy against individual property owners would be avoided. Also, the applicant must coordinate all design and construction elements within public space with the Department of Transportation, and assume their cost.

12. The Office of Planning and Development, by report dated April 9, 1982, reported that the D.C. Board of Education had reported to it that the proposed development will have no adverse impact upon the facilities and operations of the D.C. Public School System. There is sufficient capacity in the schools in the subject area to serve the project. The Board so finds.

13. The OPD in the aforementioned report recommended that the application be denied. The OPD was of the opinion that the requested height increase would not be in character

and would be inconsistent with the surrounding developed properties in the R-5-A District. The OPD was of the opinion that the requested relief will have an adverse impact in the adjacent neighborhood. The proposed development plan is too intense for this property because of the site's topographic characteristics and size. Many of the existing mature trees on the site will be removed to accommodate the proposed new buildings, the eighty-two parking spaces and driveways. The proposed site plan does not provide public amenities such as open space, passive or active recreation areas, and visitor parking and as such does not meet the intent of Paragraph 3105.42 which specifically states criteria for new development in the R-5-A District. Further, the applicant has not established the practical difficulty to support a variance from the number of stories requirement and the parking requirement. The Board concurs in the OPD findings and recommendation.

14. The applicant at the public hearing presented no persuasive evidence as to the provisions of light and air, none on recreation and none on landscaping as stated under Paragraph 3105.42 of the Zoning Regulations. Further the applicant presented no persuasive evidence of a practical difficulty to support the variances requested.

15. At the close of the public hearing the record was left open for the applicant to submit a landscaping plan and for the OPD to submit a supplementary report on the density of the developments within six blocks of the subject site.

16. The landscaping plan was submitted and marked as Exhibit No. 43 of the record.

17. The OPD submitted a map depicting the number of units per acre that surrounded the subject site. It is marked as Exhibit No. 42 of the record. Seven developments were studied showing the density per acre. Directly east of the subject site the density was twenty-two and twenty-four units per acre; directly north of the site were twenty-three, thirty-one and thirty-six units per acre and directly northeast were twenty-three and twenty-nine units per acre.

18. There was no opposition to the application. There was one letter of record from a resident at 4311 Frist Street listing concerns that the Board should consider in determining the application as follows:

- a. Sufficient off-street parking should be provided to accommodate new residents, no matter what variances are approved or disapproved. There are currently no parking problems except during school games and icy, snowy weather. The weather

causes many hill residents to park on First Street.

- b. With the addition of residents for twenty-five flats and thirty-two apartment units, some thought should be given to providing north-south public transportation for this pocket of people. Presently, the only north-south public transportation available is off the east-west H-8 bus line at Georgia Avenue and New Hampshire Avenue and the Brookland Metro station.

19. Advisory Neighborhood Commission 4D made no recommendation on the application.

20. The applicant by letter received May 5, 1982 requested the Board to reopen the record to submit additional exhibits and to attempt to work out the differences noted by the OPD. The Board at the public meeting of May 5, 1982 had denied the application prior to the receipt of the request.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking two special exceptions to allow the proposed residential development and two variances, one from the height requirements and the other from required parking spaces being located in front of the apartment building. To grant the special exception, the Board must find that the applicant has met the requirements of Paragraph 3105.42. The Board concludes that based on Findings No. 13 and 14 the applicant has not. The Board further concludes that based on Findings No. 7, 8, 9 and 13 the special exception cannot be granted as in harmony with the general purpose and intent of the Zoning Regulations.

As to the variance relief, the Board concludes that both are area variances, the granting of which requires proof of a practical difficulty inherent in the land itself. The Board concludes that there is a dearth of such evidence in the record. The Board further concludes that the proposed development saturates the site. The density is too intense. The variance relief, further, could not be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Douglas J. Patton to deny, Charles R. Norris 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: DEC - 3 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."

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