

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13992, of Reid A. Dunn & Partners and J.W. Kaempfer, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.45 to construct a swimming pool and tennis court for a homeowners Association in an R-1-B District at 2734 Chain Bridge Road, N.W., (Square 1409, Lots 847 and part of 848).

HEARING DATE: July 13, 1983  
DECISION DATE: July 13, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the west side of Chain Bridge Road, N.W., between Loughboro Road and MacArthur Boulevard, N.W., and is known as premises 2734 Chain Bridge Road, N.W.
2. The site is irregularly shaped with an area of approximately 14,000 square feet. It is presently unimproved.
3. The site is abutted on all sides by lots containing single family dwellings or vacant property proposed to be developed with a single family dwelling.
4. The site is in an extensive area of R-1-B zoning and the area is characterized by single-family dwellings.
5. The applicant proposes to construct a swimming pool and tennis court facility on the site. The site is to be sold to a non-profit homeowners association, which association will be comprised of nearby homeowners.
6. The homeowners association will be a local community organization which is not organized for profit, but is exclusively for the promotion of the social welfare of the neighborhood in which the pool and tennis court are proposed to be located.
7. No articles of commerce will be offered for sale on the grounds of the facility.
8. The facility will be limited to a single unlighted tennis court and a twenty foot by forty foot swimming pool with a small surrounding deck area. Both facilities are to be used by the members of the homeowners association and

their guests. There will be no changing facilities adjacent to the pool and no parking facilities will be provided on-site, since only families living in the immediate area and their guests will be utilizing the pool. The members will walk to the pool from their homes.

9. The representative of the proposed homeowners association testified that the decision to provide no parking was made to discourage additional traffic near the site. The property owners immediately abutting the pool site, who are the charter members of the association, would be the most affected by additional traffic. The Board so finds.

10. The proposed tennis court and pool will be constructed in accordance with the Building Code and other District of Columbia code requirements. The swimming pool will have an automatic cover to provide additional safety.

11. Membership in the homeowners association will be limited to no more than eleven families. Membership will be limited to those owners of property lying within a 500 foot radius of the proposed pool and tennis court facilities.

12. The association is to be initially formed with five families who reside on lots abutting the facility. There are three children among the five families.

13. The present and future owners of property within a 500 foot radius of the recreation facility will have a first right of refusal to become members of the association, but membership will not be required. Some of the properties within 500 feet have existing pools. Any association members who sell their property would also relinquish their rights in the association.

14. The hours of operation of the pool will be restricted so that there is no potential for noise transmitted from the site after sunset, except for a limited number of social gatherings which will end by approximately 10:00 P.M.

15. The applicant desires to provide reasonably convenient tennis court and pool facilities for the use of families within a 500 foot radius of the site.

16. Additional landscaping will be provided in the form of bamboo and other dense ground cover indigenous or compatible with existing trees and shrubbery on the site and the adjacent area.

17. The single-family lots abutting the recreation facility are large lots, many of which have existing homes that would be screened by landscaping and trees from the proposed facility.

18. The Palisades Citizens Association (PCA) by letter dated July 5, 1983, recommended the following conditions, if the application were granted:

- a. Membership in the pool and tennis court association should not exceed eleven households.
- b. Members of the association should come from the immediately adjacent lots and three lots south on Chain Bridge Road (Square 1409, Lots 839, 840, 841, 842, 843, 844, 845, 846, 849, 850, & 829).

The proposed conditions were to provide an upper limit on the activity and traffic generated by the facility located in a residential district. The limit of eleven households would hold the membership and activity down and would not impose a hardship on the applicants who propose a five household ownership association expandable to eight which may be altered in the future. Consequently, the PAC perceived a need to impose a cap. The geographic constraint limits the potential membership to walking distance and reduces the potential traffic impact on the narrow residential Chain Bridge Road. The Board concurs with the concerns of the PCA. The Board will address these concerns in the conditions it imposes on the grant of this application.

19. Nine residents of the following addresses filed letters of support into the record: 2726, 2730, 2724, 2762, 2738, 2749, 2728, 2726½ and 2728½ Chain Bridge Road, N.W.

20. Two letters were received from residents of the 2800 block of Chain Bridge Road, one objecting to granting the application without expressing reasons therefor, and one requesting that the membership be limited to five families with an outside limit of eight. There was concern for parking and safety along Chain Bridge Road if parties are held at the proposed facilities. Chain Bridge Road is narrow, eighteen feet wide, and it has blind curves in the 2700 block. There was concern for accidents, the passage of emergency vehicles, and pedestrian safety on Chain Bridge Road. The Board finds that the requirement for membership in the homeowners association of living within 500 feet of the pool as measured along legal rights-of-way will eliminate any need for parking for the members. Guests will park at the residences of the members who invite them.

21. Advisory Neighborhood Commission 3D did not file a recommendation on this application.

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 the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.45 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof in demonstrating that the proposed recreation facilities will be operated by a local community association which is not organized for profit, but is exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located. There will be no articles of commerce for sale on the premises. It is not likely to become objectionable because of noise or traffic due to the limitation on members in number and geographics area and no on-site parking provided. The lack of on-site parking is to encourage walking to the site. The use is reasonably convenient to the neighborhood in which it is proposed to be located.

The Board further concludes that the use will not tend to affect adversely the use of neighboring property. The Board is further of the opinion that the relief requested can be granted as in harmony with the general purpose and intent of the zone plan. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. The membership of the homeowners association, or successor entity, that will use the recreational facilities shall be limited to no more than eleven families, all of which shall reside within a 500 foot walking distance measured along legal rights-of-ways.
2. There shall be no illumination of the recreational facilities at night except for security lighting.
3. No parking shall be provided on the site.
4. Development of the recreation facilities shall be in accordance with the plan marked as Exhibit No. 22 of the record.

VOTE: 4-0 (Lindsley Williams, Carrie Thornhill, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton not voting having recused himself from the hearing of 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: SEP 27 1983

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 CONSUMER AND REGULATORY AFFAIRS.

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