

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14311 of L.N. Porter and Sons, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 allowing a new residential development and a variances from the rear yard requirements (Sub-section 3304.1) and from the prohibition against allowing parking within the front yard of a dwelling (Paragraph 7205.22) for a proposed residential development comprising thirteen row dwellings and one detached dwelling in an R-5-A District at premises 918-932 Eastern Avenue, N.E., (Square 5203. Lot 853).

HEARING DATE: July 31, 1985

DECISION DATE: July 31, 1985 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 3-0 (Lindsley Williams, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill not voting, having recused herself; Douglas Patton not present, not voting).

FINAL DATE OF ORDER: August 16, 1985

ORDER

The Board granted the application by its Order dated August 16, 1985, subject to the condition that construction be in accordance with the plans marked as Exhibit No. 9 of the record. By letter received on June 25, 1987, the applicant requested the Board to consider a request for modification of the approved plans. At its public meeting of September 2, 1987, the Board waived the requirements of Section 3335.3 of the Zoning Regulations in order to consider the request for modification of plans more than six months after the final date of the order.

The proposed modification of plans would result in the shifting of the footprint of Building No. 2 towards Eastern Avenue. The basis for the proposed reconfiguration are the discovery that unstable soil conditions extend into the, area previously approved for construction of Building No. 2, and the location and depth of the existing sanitary main would not permit proper connections and drainage for Building No. 2. There was no opposition to the proposed modification of plans.

The Board concludes that the proposed modification of plans is minor in nature. The applicant requires no additional variance relief from the Board. The material facts relied upon by the Board in approving the application are still relevant.

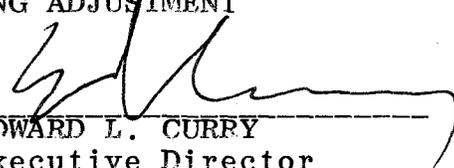
It is therefore ORDERED that the MODIFICATION of PLANS is APPROVED and that the plans marked as Exhibit No. 33A of the record shall be substituted for those originally submitted to and approved by the Board. In all other respects, the Order dated August 16, 1985 shall remain in full force and effect.

DECISION DATE: September 2, 1987

VOTE: 3-0 (Charles R. Norris, Lindsley Williams and William F. McIntosh to approve, Paula L. Jewell and Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

NOV 2 1987

UNDER 11 DCMP 3103.1, "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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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14311 of L.N. Porter and Sons, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 allowing a new residential development and for variances from the rear yard requirements (Sub-section 3304.1) and from the prohibition against allowing parking within the front yard of a dwelling (Paragraph 7205.22) for a proposed residential development comprising thirteen row dwellings and one detached dwelling in an R-5-A District at premises 918-932 Eastern Avenue, N.E., (Square 5203. Lot 853).

HEARING DATE: July 31, 1985

DECISION DATE: July 31, 1985 (Bench Decision)

FINDINGS OF FACT:

1. By BZA Order No. 12795 dated February 6, 1979, the Board granted the same relief to the same applicant for the same proposal as requested in the subject application, other than for a variance from the open court width requirements not required in the subject application. The plans marked as Exhibit No. 9 of this record are the same as the plans marked as Exhibit No. 30 of the previous record.

2. Due to financial constraints, the applicant was unable to pursue its building permits in a timely manner. The Board's approval expired, compelling the applicant to request a reinstatement of that approval now that financial conditions have improved.

3. The Board incorporates by reference all of the Findings of Fact and Conclusions of Law contained in Order No. 12795, a copy of which is attached hereto.

4. In Order No. 12795, Condition No. 2 to the grant provided that the applicant shall execute an agreement with the D.C. Department of Environmental Services regarding on-site collection of trash by the Department from the development prior to the issuance of a certificate of occupancy. The applicant was directed to file a copy of that agreement with the Board.

5. The D.C. Department of Public Works no longer provides such service to private developments. The applicant will contract with a private firm for the removal of trash.

6. The Office of Planning (OP), by memorandum dated July 24, 1985, recommended approval of the application. The OP reported that in its prior report on application No. 12795, dated November 7, 1978, the OP recommended approval of the applicant's proposal subject to incorporation of several modifications. These modifications, relating to screening, landscaping and buffering, rendered the applicant's proposed R-5-A development acceptable to the OP. Ultimately, these modifications were incorporated into the site plan approved by the Board, and they are included in the plans currently before the Board. The OP further noted that the basis for the variance relief, the size and configuration of the subject lot, continues to exist. The OP was therefore of the opinion that its November, 1978, favorable recommendation on the proposed townhouse development remained valid and recommended reinstatement of the Board's Order. The Board concurs with the reasoning and recommendation of the OP.

7. The site is bounded on the north by Eastern Avenue, on the south by Jay Street, on the east by Hunt Street and on the west by Division Street. Eastern Avenue, N.E., is a forty-two foot-wide collector street with an average daily traffic volume of 12,300 vehicles near the site. Unrestricted parking is allowed at all times. Division Street is a minor arterial with an average daily traffic volume of 5,000 vehicles. Parking is allowed at all times. Hunt and Jay Streets are local streets with parking allowed at all times.

8. The W4 Metrobus operates inbound and outbound on Eastern Avenue via Division Avenue to East Capital Street for downtown bus and Metrorail connections at the Deanwood Metrorail Station. The U4 Metrobus route operates inbound and outbound from Eastern Avenue and Sheriff Road and provides Metrorail connections at the Minnesota Avenue Metrorail Station.

9. The Department of Public Works (DPW), by memorandum date June 17, 1985, reported that the proposed development would contribute no significant traffic impact on the surrounding street system.

10. The DPW was of the opinion that special attention should be given to the design of the driveway and parking areas to minimize adverse impacts to the adjacent single family home presently abutting the western boundary of the site. The DPW recommended that the twenty-four foot wide driveway be moved at least three feet east of the side lot line which abuts the property to the west. The six foot high stockade fence which is proposed on the western boundary of the site should be replaced with a six foot high brick or stone wall which is at least twelve inches in thickness and which runs the entire length of the driveway where it abuts

the adjacent single-family property. In addition, evergreen trees and or hedges which are at least sixty inches in height should be planted along the remaining western boundary of the subject site in addition to the proposed six foot high stockade fence. The Department of Public Works recommended these improvements because the driveway which would serve the subject site is located directly opposite that of a single family home. The automobile noise and lights which would come from the proposed development should be screened from this single family home as much as possible. Since there is little room on the site to move the driveway farther east on the property, the DPW was of the opinion this additional screening and buffering was necessary. The Board finds that the plans as approved by the Board will address the concerns of the DPW.

11. The Department of Housing and Community Development (DHCD), in a memorandum dated July 5, 1985, reported that the proposed development, of thirteen rowhouses and one detached dwelling, would be located in a largely compatible residential neighborhood. Public facilities, an elementary school and open space, are in the near vicinity, and may be presumed to serve the new housing. The requested variances do not diminish the quality of the housing nor make them any less welcome as an addition to the housing stock. The DHCD was of the opinion that such dwellings were consistent with the housing policies of the District of Columbia. The DHCD had no objection to the granting of the application. The Board concurs.

12. The D.C. Public Schools, by memorandum dated June 10, 1985, reported that it had no opposition to the application. It reported that there was ample capacity available at elementary, junior and senior high schools in the vicinity to accommodate any student population generated by the subject proposal. The Board concurs.

13. Advisory Neighborhood Commission 7C, by report dated July 23, 1985, voted to support the application. No issues or concerns were expressed.

14. There was no opposition to the application at the Public Hearing or of record.

#### CONCLUSIONS OF LAW AND OPINION:

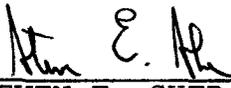
The Board concludes that the Findings of Fact and Conclusions of Law set forth in Order No. 12795, dated February 6, 1979, are still valid and are applicable to the subject application. The Board concludes that it has accorded to the ANC the "great weight" to which is entitled. It is therefore hereby ordered that the applicant is GRANTED subject to the CONDITION that the property shall be developed

according to the plans marked as Exhibit No. 9 of the record.

VOTE: 3-0 (Lindsley Williams, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill not voting, having recused herself; Douglas J. Patton not present, not voting).

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

16 AUG 1985

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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