

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15221 of 4563 Joint Venture, pursuant to 11 DCMR 3108.1, for a special exception under Section 2516 to allow a theoretical lot subdivision for the construction of three detached single-family dwellings in an R-1-A and R-5-B District at premises 4566-68 and 4570 Indian Rock Terrace, N.W., (Square 1367, Lot 75 (formerly lots 891 and 916)).

HEARING DATE: January 24, 1990  
DECISION DATES: February 7 and March 7, 1990

**FINDINGS OF FACT:**

1. The property is located on the southwest side of Indian Rock Terrace between Q Place and Salem Lane and is known as premises 4566-68 and 4570 Indian Rock Terrace, N.W. It is split zoned R-1-B and R-5-A.

2. The site is irregularly shaped with a frontage of 50.16 feet along Indian Rock Terrace for a depth of approximately 85 feet and a width of approximately 100.52 feet for the remaining depth of approximately 109.67 feet. The lot area of the site is approximately 18,516 square feet.

3. The site is currently undeveloped. The portion of the property fronting on Indian Rock Terrace is zoned R-1-B for a depth of approximately 208 feet. The remainder of the property is zoned R-5-A. The topography of the subject lot slopes approximately 36 feet from front to rear.

4. The R-1-B zone district is designed to accommodate single-family detached dwelling units on lots with a minimum lot area of 5,000 square feet and a lot width of 50 feet with a maximum lot occupancy of 40%, a height of 40 feet, or 3 stories, and no maximum floor area ratio designated.

5. The R-5-A zone district permits a variety of urban residential development, including single family detached houses, with a maximum height of 40 feet, 3 stories, a maximum lot occupancy of 40% and a FAR not to exceed 0.9.

6. The applicant proposes to develop the site with three single family detached dwellings pursuant to the provisions of 11 DCMR 2516 which permits the Board to approve two or more principal buildings on a single, subdivided lot, provided the following conditions are met:

a. If a principal building has no street frontage, as

determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

1. The front of the building shall be the side upon which the principal entrance is located;
  2. Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;
  3. A rear yard shall be required; and
  4. If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.
- b. In providing for net density pursuant to Sub-section 2516.11 of this section, the Board shall require at least the following:
1. The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;
  2. Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five (25) feet in width, but need not be paved for its entire width;
  3. The requirements of paragraphs (b) and (c) of this sub-section may be modified if the Board finds that a lesser width and/or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.
- c. Before taking final action on an application under this section, the Board shall refer the application to the

District of Columbia Office of Planning for coordination, review, and report, which coordination, review, and report shall consider the following:

1. Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design and screening of structures;
2. Considerations of traffic to be generated and parking spaces to be provide, and their impacts;
3. The impact of the proposed development on neighboring properties.

7. The proposed development will comply with the density, height, and yard requirements of the R-1-B District with the exception of street frontage. One of the proposed dwellings will front on Indian Rock Terrace and will be two stories with basement and attic. The remaining two dwellings will be located at the rear of the site and would also be two stories with basement. Each dwelling will have a two-car garage.

8. The existing lot meets the minimum lot width requirement of 50 feet along Indian Rock Terrace. The proposed theoretical lots meet the minimum lot area requirement of 5,000 square feet for the R-1-B District. The proposed lots measure 5,567, 5,650 and 7,299 square feet, respectively. The proposed lot occupancies are 37.92, 37.36 and 38.155 percent, respectively. A lot occupancy of up to 40 percent is permitted in the R-1-B District. The height of the proposed houses would be less than the 40 feet permitted in the R-1-B District. One parking space is required for each house; two would be provided. Houses B and C require a minimum front yard of 25 feet; 26 feet would be provided. The two-car garages are 22 feet by 22 feet and occupy part of the front yards. A minimum rear yard of 25 feet is required. A 44-foot rear yard would be provided for house A and 26 foot rear yards would be provided for houses B and C. Minimum side yards of eight feet are required. Side yards of eight and 14 feet would be provided for house A. Side yards of 8 feet would be provided for houses B and C.

9. A 14-foot wide driveway is provided along the northwestern boundary. This driveway, because of required steps to reach the front door of house A, narrows to approximately 11.5 feet at that point. This same driveway provides access to the two houses at the rear of the lot. The width of the driveway is included on the lot area and is part of the side yard requirements.

10. The applicant considered a number of development options for the subject site including an apartment complex and townhouses.

The applicant concluded that development of the site with single family dwellings would be more in keeping with the existing development and character of the neighborhood.

11. The applicant's architect testified that the proposed dwellings were designed to be compatible with the surrounding neighborhood in terms of size, scale and architecture and, therefore, should not have an adverse impact on surrounding development.

12. The applicant revised the originally submitted plans prior to the public hearing in an attempt to address the concerns of the adjoining property owner. The revisions included the relocation of the common driveway from the northeast boundary to the northwest boundary of the lot and relocated the front house closer to Indian Rock Terrace.

13. The Office of Planning (OP), by memorandum dated January 17, 1990, recommended denial of the application. The OP was of the opinion that the proposed development was too dense and would eliminate too much green space. The OP was further of the opinion that the front house would tower over existing dwellings in the immediate neighborhood, as well as the two dwellings proposed for the rear of the site, due to the topography of the subject site.

14. Advisory Neighborhood Commission (ANC) 3B, by letter dated January 16, 1990, opposed the granting of the application. The ANC was of the opinion that the density, siting, and configuration of the proposed development is inconsistent with the area and could damage the stability of the neighborhood. The ANC was further of the opinion that the proposed development would have a detrimental impact on the quality of life in the area, would destroy long-established privacies, and raise potentially serious fire and safety problems.

15. By memorandum dated December 29, 1989, the Department of Housing and Community Development (DHCD) offered no objection to the subdivision of the site for single family residences. However, the DHCD withheld support for the project as proposed pending clarification of the principal means of vehicular ingress and egress for the residences at 4566 and 4568 Indian Rock Terrace. In addition, the DHCD expressed concern with the proposed density of the site with regard to the proposed minimum yard dimensions due to the size and location of the proposed units.

16. By memorandum dated December 11, 1989, the D.C. Fire Department evaluated the request determine its impact with request to emergency operations and offered no objection to the proposed subdivision.

17. The Foxhall Community Citizens Association and several

neighboring property owners opposed the granting of the application. The opposition was generally based on the following:

- a. The steep topography of the site would highlight the closeness of the proposed dwellings to each other and to the existing dwellings on either side of the property.
- b. The density of the proposed development would adversely impact on the privacy of all houses concerned. In addition, elimination of some of the existing, large shade trees would further adversely impact on the privacy of adjoining residences.
- c. The proposed means of ingress and egress is too limited and may make it difficult for fire and other emergency vehicles to gain access to the dwellings at the rear of the site.
- d. The project would destroy the character of the neighborhood, including the removal of large trees on the interior of the property and the loss of the spaciousness now enjoyed by the neighborhood in the immediate area.
- e. Paving on the site would eliminate too much of the existing green space.

18. At the conclusion of the public hearing, the Board left the record open to afford the applicant an opportunity to submit a revised site plan with a fewer number of units.

19. On January 30, 1990, the applicant submitted a revised proposal which reduced the proposed density of the site from three dwellings to two dwellings, relocated the driveway to the northwest boundary of the property, and increased the amount of green space retained to approximately 53%.

20. In response to the revised plans, the ANC and neighboring property owners continued to oppose the project for the following reasons:

- a. The location of the proposed dwellings would block the views from and adversely impact on the privacy of adjacent residences.
- b. The proposed construction would result in the removal or destruction of existing mature trees.
- c. Excavation necessary to provide for the driveway would destroy the natural rock ledge on the site.

- d. The proposed vehicular access is too narrow and no turning area is provided.

21. By memorandum dated February 6, 1990, the OP submitted a supplemental report on the revised plans submitted by the applicant. The OP was the opinion that the revised proposal is appropriate for the subject site. The OP recommended approval of the revised project conditioned on the submission of a detailed landscaping plan and review by the D.C. Fire Department.

22. At its Public Meeting of February 7, 1990, the Board deferred a decision on the application and reopened the record to allow parties an opportunity to meet and attempt to resolve their differences regarding the proposed project.

23. By letter dated February 21, 1990, ANC 3B and the owner of 4564 Indian Rock Terrace offered no objection to the compromise offered by the applicant which would result in the following revisions:

- a. The house closest to Indian Rock Terrace (Front House) will be relocated ten (10) feet from the front property line.
- b. The Front House will be reduced five (5) feet in overall length.
- c. Applicant will bear all costs of building a deck on the home located immediately northwest of the subject property (4572 Indian Rock Terrace). The deck will be made of pressure-treated lumber to match existing and will be a minimum of 150 square feet in size.
- d. The garage for the Front House will be relocated to the rear of the house.
- e. The driveway for the Front House will be relocated to the northwest boundary of the property.
- f. The "Rock Face" located to the northeast of the subject property will not be disturbed.
- g. The Rear House will be relocated 14 feet toward the rear property line.

24. On March 1, 1990, the applicant submitted revised plans reflecting the revisions contained in the ANC letter of February 21, 1990, as well as a detailed landscaping plan.

25. The owners of 4578 and 4561 Indian Rock Terrace submitted

letters indicating their continued opposition to the development of the site for two dwellings.

26. In addressing the issues and concerns of the ANC and the opposition, the Board finds that the application, as revised, complies with the criteria set forth in 11 DCMR 2516. The Board further finds that the revised proposal substantially meets the concerns of the opposition and represents a reasonable development of the site given its shape and topography.

**CONCLUSIONS OF LAW AND OPINION:**

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the application is seeking a special exception, the granting of which requires a showing of substantial compliance with the criteria set forth in 11 DCMR 2516 and 3108.

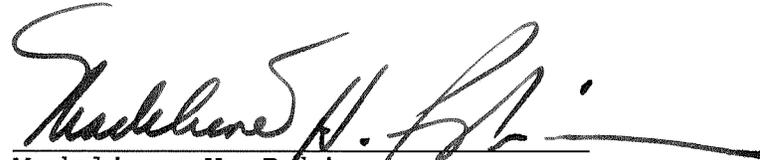
The Board concludes that the applicant has met its requisite burden of proof. The subject site is large enough to provide more than the minimum area requirements for each proposed subdivided lot. The proposed subdivision meets the criteria set forth in 11 DCMR 2516. Due to the unusual size and the topography of the subject site, the Board concludes that the applicant's revised plans which provide for the construction of two detached dwellings are more in keeping with the general character of the immediate neighborhood and are less likely to have an adverse impact on the light, air, and privacy of adjoining and nearby properties.

The Board further concludes that, as revised, the approval of the requested special exception relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property. The Board concludes that it has given the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT** to the **CONDITION** that construction be in accordance with the revised plans marked as Exhibit Nos. 46A, 46B and 47A of the record.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:

  
Madeliene H. Robinson  
Acting Director

FINAL DATE OF ORDER: OCT 17 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 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.

15221Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15221

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 17 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Phil Feola, Esquire  
Linowes & Blocher  
801 K Street, N.W.  
Washington, D.C. 20001

Chas F. Holzworth, Jr.  
2132 Wisconsin Ave., N.W.  
Washington, D.C. 20007

4363 Joint Venture  
3062 University Terr., N.W.  
Washington, D.C. 20016

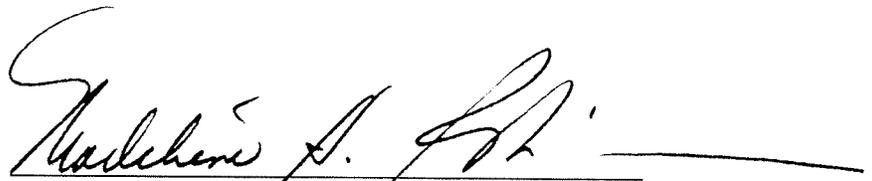
Thomas W.D. Wright  
4564 Indian Rock Terr., N.W.  
Washington, D.C. 20007

Margaret R. Parke  
1624 - 44th St., N.W.  
Washington, D.C. 20007

Jos Deering  
4578 Indian Rock Terr., N.W.  
Washington, D.C. 20007

Albert Mark  
4561 Indian Rock Terrace, N.W.  
Washington, D.C. 20007

Barbara Hamer, Chairperson  
Advisory Neighborhood Commission 3-B  
P.O. Box 32312  
Washington, D.C. 20007

  
MADELIENE H. ROBINSON  
Acting Director

DATE: OCT 17 1991

15221Att/bhs