

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 167*

CASE NO. 76-17

August 11, 1977

Pursuant to notice, a public hearing was held on February 14, 1977 to consider an application by Paul H. Weinstein, et. al., for an amendment to the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The applicant is requesting a change from R-1-B to R-3, for lots 806 and 807 in Square 1441 and lot 833 in Square 1442, located at the western corner of the intersection of Arizona Avenue and MacArthur Boulevard, N. W., extending south to the west side of Sherrier Place, N. W. The area of the site is approximately 73,310 square feet.

2. The proposed amendment to the Zoning Map will change the zoning of the subject property from R-1-B (single family dwellings, minimum lot area of 5,000 square feet) to R-3 (single family row dwellings, minimum lot area of 2,000 square feet).

3. R-1-B Zoning was adopted in 1958 for the subject property and most of the property in the immediate area. No development has occurred on the property although a number of zoning changes have been sought. These applications in 1964, 1966 and 1968 sought to change the zoning from R-1-B to R-5-B or C-2. No zoning application has previously been before the Zoning Commission for a change to R-3 or the equivalent zoning.

4. The existing character of land uses in the area shows that the residential uses are a mixture of detached and semi-detached dwellings and apartments. A great number of the detached dwellings are nonconforming as to the R-1-B area requirements. Sixty-four percent of the detached dwellings in square 1417 are located on lots which do not meet the 5,000 square foot minimum area requirement and the same is true in Square 1441. There are 39 semi-detached dwellings in Square 1419, which is

* this order was amended by order #320 dated 7-25-80

directly across MacArthur Boulevard from the subject property. Three apartment houses are located in Square 1418, one block to the southeast along MacArthur Boulevard. Diagonally across Arizona Avenue is existing C-1 development including a bank, the MacArthur Professional Center Building and other commercial and retail office uses. To the west along MacArthur Boulevard at the intersection of Cathedral and MacArthur is also a commercial area which, in addition to an Exxon service station, includes a High's dairy store, a small office building, beauty salon, sewing shop, and a speciality food store. Immediately across Arizona Avenue and to the south is the large Palisades recreation area which includes a field house, basketball courts, softball areas and tennis courts. Further to the south across Canal Road is the C&O Canal.

5. The subject property is divided into two portions, one in Square 1441, bounded by MacArthur Boulevard, Arizona Avenue and Sherrier Place and containing approximately 57,800 square feet, and the other in Square 1442, bounded by Sherrier Place, Arizona Avenue and a former D. C. Transit right-of-way and containing approximately 15,510 square feet. The northern portion has frontage on MacArthur Boulevard of approximately 280 feet, approximately 200 feet along Arizona Avenue, and approximately 227 feet along Sherrier Place. The southern portion of the property has approximately 180 feet of frontage on Sberrier Place and over 130 feet on Arizona Avenue.

6. Under the R-3 zoning, the maximum number of units which could be erected would be 31 units. The applicant proposes to build a total of 31 dwellings. Twenty-five of those dwellings would be built on Square 1441 and would consist of four semi-detached and 21 row dwellings. The remaining six dwellings would be built on Square 1442 and would consist of one semi-detached and five row dwellings.

7. Topographically, the property has a severe drop in grade from north to south with a range on the northern portion from 150' elevation to 120' elevation. On the southern portion the land area drops from Sherrier Place from 124' elevation to 110' elevation. The topography lends itself to efficient development with R-3 zoning because it permits a clustering effect along street frontages giving maximum open space toward the existing residential structures to the west.

8. Under R-1-B zoning only 11 detached houses can be constructed on the northern portion and three detached houses on the southern portion. The physical characteristics of the site and the present housing market make it not economically feasible to develop the property under R-1-B zoning. The expense of developing each house would result in a probable sale price of \$178,432 with construction costs amounting to approximately \$44.00 per square foot for an all-masonry building.

9. The proposed zoning of R-3 for lots 806 and 807 in Square 1441 will not conflict with surrounding residential uses, because the proposed use will be for one family dwellings in an area developed primarily with one family detached and semi-detached dwellings. No additional uses other than the row dwellings and semi-detached dwellings would be permitted in the R-3 District which are not already permitted in the R-1-B District.

10. R-3 zoning provides the most practical means of fitting development to the site. Development under R-3, because of common walls, clustering and other cost efficiencies, would not require as substantial a regarding or excavation as would be required under R-1-B.

11. Development under R-3, which permits economic construction efficiencies, will bring the housing cost down to a level where the housing will be marketable. An R-3 townhouse of three stories at 800 square feet per floor, a construction cost of \$27.00 per square foot, and other costs would have a sales price of \$96,344.

12. The Municipal Planning Office by report dated, February 9, 1977 and by testimony presented at the public hearing, recommended that the Zoning Commission grant the application only as to lots 806 and 807 in Square 1441 for the following reasons:

a. The compatibility of the site if zoned R-3 with the adjacent neighborhood;

b. The desirability of improving the housing inventory for the District of Columbia;

c. The desirability of utilizing undeveloped small tracts in residentially zoned districts for additional housing.

The Municipal Planning Office opposed the rezoning of Lot 833 in Square 1442 as requested by the applicant because of concern as to the potential adverse impacts of additional traffic and activity the requested zoning would have on the existing detached housing located on Sherrier Place.

13. Development of lots 806 and 807 in Square 1441 with single family row dwellings is appropriate for a site which is located at the intersection of two arterial streets, and where two of the other corners of that intersection are zoned for low density commercial uses. Such rowhouse development would serve as a transition between the commercial area and the existing developed single family area to the west and would also serve to buffer the existing residential uses from the traffic on the arterial streets.

14. Development of lot 833 in Square 1442 with row-houses would remove the development from the intersection of two arterial streets. It would also extend the higher density development into the existing developed lower density area which should be protected and buffered by the rowhouse development in Square 1441. Such an extension would be contrary to the purposes of zoning, and the R-1-B and R-3 Districts which are designed to protect existing low density areas.

15. The area is well served by both private and public services. Commercial services are provided in the two commercial areas in close proximity as well as other commercial services having excellent access along MacArthur Boulevard. The area is well served by both public and private schools. There is a fire station at 4811 MacArthur Boulevard and a post office at 5131 MacArthur Boulevard. There are numerous churches in the area. A major recreation facility, the Palisades recreation area, is in close proximity to the site, being immediately across Arizona Avenue from the property. There is also a nearby public library.

16. There is good public transportation at the subject site. That public transportation is an important factor in achieving the goal of reduced automobile traffic.

17. The proposed development will not adversely impact on existing traffic patterns on either the major arterial of MacArthur Boulevard or the secondary arterial of Arizona Avenue. There would be no significant increase in trips generated by the R-3 development as opposed to the R-1-B development. There would be no noticeable difference in traffic conditions whether the property is developed under R-1-B or R-3. Additionally, in R-3 development fewer trips are generated per unit than in R-1-B development.

18. Townhouse development provides an excellent buffer between the arterial streets and less dense residential areas to the south and west.

19. Public utilities primarily exist in the area capable of serving development under R-3 zoning. Water is provided by three established eight inch mains. Sanitary sewage can be accommodated on MacArthur Boulevard, on Arizona Avenue and Sherrier Place. There is a 5'6 storm sewer on Arizona Avenue and a 24 inch storm sewer on Sherrier Place. Natural gas lines are located across the street from the site on both MacArthur Boulevard and Arizona Avenue.

20. Development of this parcel under R-3 zoning will provide numerous benefits to the City. In addition to the benefits of the project by way of additional housing, the proposed development will permit development of the heretofore undeveloped tract which will provide increased tax base through real estate taxes as well as increased revenue through the income of the families living in the housing. Finally, development of the property with high quality housing as the contract owner and builder has demonstrated, will provide a stabilizing factor in that it will remove uncertainty with regard to the use of this vacant piece of property.

21. A representative of the Palisades Citizens Association spoke in support of the rezoning to R-3 of lots 806 and 807 in Square 1441. The Association, however, does not support the rezoning to R-3 for Lot 833 in Square 1442. The Association expressed a preference for R-2 zoning for the latter site.

22. Opposition to the application was presented by the Advisory Neighborhood Commission 3-D representative and several residents of the area. These parties and persons in opposition to the application were opposed essentially on the basis of potential adverse impacts on the character of the neighborhood, the generation of additional traffic in the area, and the environmental impact of the more dense development permitted by the R-3 zoning. The weight of evidence in the record indicates that these adverse impacts are not likely to occur.

23. The National Capital Planning Commission, by report dated July 7, 1977, found that the proposed change would not have a negative impact on the interests or functions of the Federal Establishment within the National Capital.

CONCLUSIONS OF LAW

1. Rezoning of Lots 806 and 807 in Square 1441 to R-3 will be consistent with the purposes of the Zoning Act as found in Section 5-414 of the D. C. Code, 1973, as amended. Development of this portion of the property under R-3 zoning will accomplish the purposes of the Zoning Regulations to promote such distribution of population and such uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, cultural opportunities, and will encourage stability of districts and land values therein. Rezoning of Lot 833 in Square 1442 would allow too much density to be located off the major arterial streets and would not promote a favorable distribution of population or conditions favorable to health, safety, transportation or protection of property.

2. The Preamble to the R-3 District provides that the R-3 District is designed essentially for row dwellings but there would be included therein areas within which row dwellings, are mingled with one family detached dwellings, one family semi-detached dwellings and groups of three or more row dwellings. It is therefore appropriate to locate R-3 zoning in areas where the predominant surrounding zoning of R-1-B permits detached single family dwellings.

3. For Lots 806 and 807 in Square 1441, the present zoning of R-1-B is not a reasonable restriction on the land and R-3 zoning is a reasonable restriction. For Lot

833 in Square 1442, the existing R-1-B zoning remains a reasonable restriction to protect adjoining properties.

4. The rezoning of lots 806 and 807 in Square 1441 will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

DECISION

The Zoning Commission is of the opinion that the proposed change of zoning for the northern portion of the property, located between MacArthur Boulevard and Sherrier Place, is an appropriate change supported by the findings and conclusions stated in this order. The Commission does believe that the proposed change of zoning for the property located between Sherrier Place and the D. C. Transit right-of-way is not appropriate, since it would represent too great an intrusion into an existing residential neighborhood by focusing the development off of the arterial streets in the area. The Commission therefore orders the following actions by a vote of 3-1 (George M. White, Ruby B. McZier and Theodore F. Mariani in favor, Walter B. Lewis opposed, Richard L. Stanton not present, not voting):

1. Approve the requested change of zoning from R-1-B to R-3 for lots 806 and 807 in Square 1441, located between MacArthur Boulevard and Sherrier Place.
2. Deny the requested change of zoning from R-1-B to R-3 for lot 833 in Square 1442, located between Sherrier Place and the D. C. Transit right-of-way.



THEODORE F. MARIANI
Chairman
D. C. Zoning Commission



STEVEN E. SHER
Executive Director
D. C. Zoning Secretariat