

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 217

CASE NO. 77-32

May 11, 1978

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on January 30, 1978 to consider an amendment to the D.C. Zoning Map. This amendment was initiated by Frank A. O'Neil, et al, to consider a change of zoning from R-1-B to R-5-A.

FINDINGS OF FACT

1. The property involved is described as Lots 9,10,853, 854 and 855, in Square 1356, located on Lingan Road west of MacArthur Boulevard, N.W. The area of the site is approximately 22,452 square feet.
2. The property is presently zoned R-1-B and consists of five lots, all 70 feet wide and 160 feet long, located on either side of Harvin Road, N.W. Lots 853,854 and 855 are unimproved while Lots 9 and 10 are improved with a single-family detached dwelling known as premises 4422 MacArthur Boulevard, N.W. The subject property has no frontage on MacArthur Boulevard, and is located approximately seventy-five feet away from MacArthur Boulevard.
3. The R-1-B District permits detached single-family dwellings on lots having a minimum area of 5,000 square feet, a minimum width of fifty feet, a maximum lot occupancy of forty per cent and a maximum height of three stories and forty feet. The R-5-A District permits detached, semi-detached and row dwellings, flats and apartments, as well as other general residential uses. The maximum floor area ratio in an R-5-A District is 0.9, the maximum lot occupancy is forty per cent and the maximum height is three stories or forty feet.

4. The applicants request the change in zoning to permit the construction of townhouses pursuant to a site plan, which must first be approved by the Board of Zoning Adjustment in the R-5-A District as a special exception under Paragraph 3105.42.

5. The surrounding area is a mixture of commercial and residential use, which includes a transit company right-of way and U.S. Government property. Abutting the subject site fronting on MacArthur Boulevard is commercial development on property zoned C-1, consisting of small one and two story stores. There is an adjoining condominium townhouse development, Foxhall Mews, which also fronts on MacArthur Boulevard and which was recently constructed following approval in BZA Application No. 10813. Along MacArthur Boulevard there is single-family detached development on the north side and a number of apartment and townhouse developments. Immediately west of Foxhall Mews is the Psychiatric Institute, which was the subject of a planned unit development that the Commission approved that also included an extension of the R-5-A zoning.

6. Under the proposed R-5-A District, a maximum of twelve rowhouses or twenty to twenty-five apartment units could be built on the site. A maximum of four single family detached units could be built at present, resulting in a proposed increase in density of 300 per cent or greater.

7. The only access to the subject site is by way of Lingan Road, which is only twelve feet wide, and Harvin Road, which is twenty feet wide. The site is also bordered by two public alleys which are only nine and ten feet wide, respectively.

8. Lingan Road already serves to provide access to the twenty-five space parking lot of Foxhall Mews and to provide service access to the rear of the commercial development fronting on MacArthur Boulevard.

9. The Municipal Planning Office, by memorandum dated February 26, 1978 and by testimony at the hearing, recommended that the application be denied on the grounds that the property has limited access by way of public streets, that access to the site through the alleys at the rear is difficult because of the narrow width of the alleys and that the limited access will make it difficult to provide adequate city services, particularly including solid waste collection, to the site. The Commission so finds.

10. The Department of Transportation by report dated January 30, 1978 and by testimony at the public hearing, indicated that the proposed R-5-A townhouse development causes circulation, parking, and service problems. The Department thus recommended that the application for more intensive zoning be denied. The Commission so finds.

11. Two witnesses appeared at the public hearing on behalf of the Palisades Citizens Association and indicated that their Association opposed the requested R-5-A zoning.

12. Advisory Neighborhood Commission 3B by letter dated February 13, 1978, reported that by a vote of 6-0, the Commission opposed the proposed zoning map amendment, on the grounds that a development plan for this site should incorporate the possibility of development of two adjoining developable parcels, and the present proposal does not; that the development of the site must present both alternative housing and convenient vehicular circulation, and the proposal does not; and that more information concerning the economic consequences of the proposed change must be known before the change can be approved.

13. As to the concerns of the ANC, the Commission notes that what is before the Commission is a change of zone from R-1-B to R-5-A, to allow any development permitted under the R-5-A District. The specific plan discussed, or any plan for the site, is not before the Commission. The Commission therefore finds that the ANC's concerns regarding the specifics of the site plan are not relevant to consideration of this application. The Commission further finds that it must deal only with the property which is before it, and that it cannot condition approval of a zoning change based upon the relationship to another property. The Commission further finds that it must base its decision on the best information available, and that further, the matter at issue is the overall appropriateness of the R-5-A District.

CONCLUSIONS OF LAW

1. The change of zone to R-5-A would not 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.

2. The proposed change would not be consistent with the purpose of the Zoning Act (Act of June 20, 1938, 52 Stat, 797) in that it would not promote a favorable distribution of land uses.

3. The proposed change would result in an unwarranted increase in population density for a property which has no frontage on a major arterial street, as does other property in the area, and is thus not suitable for such an increase in density because of its lack of appropriate access.

4. There are inadequate public facilities and services, including streets and solid waste collection facilities, to serve increased development on the subject site.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein the Zoning Commission orders DENIAL of the following amendment to the Zoning Map:

Change from R-1-B to R-5-A, Lots 9,10, 853,854 and 855 in Square 1356, located on Lingan Road west of MacArthur Boulevard, N.W.

Vote of the Commission taken at the Public Meeting of April 13, 1978: 3-0 (Walter B. Lewis, George M. White and John G. Parsons to deny - Ruby B. McZier and Theodore F. Mariani not present not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on May 11, 1978 by a vote of 3-0 (George M. White, John G. Parsons and Walter B. Lewis to adopt; Ruby B. McZier, not voting not having participated in the case, Theodore F. Mariani, not present not voting)

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 12 MAY 1978.