

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 306
CASE NO. 79-17P

January 10, 1980

The application in Case No. 79-17P is a request from Frederick F. Rose for preliminary approval of a planned unit development to allow the construction of ten townhouses, eight of which would be single family dwellings and two of which would be two family buildings or flats. The site is located in square 5539, and consists of an existing detached single-family dwelling unit on lot 834, and adjoining vacant lots 818 and 833. The site is zoned R-1-B, is located on the east side of Branch Avenue between "O" Street and Pennsylvania Avenue, S.E., and contains approximately 46,700 square feet. No zone change is requested. The applicant also requests a waiver from the three acre minimum area requirement as specified in sub-paragraph 7501.212 of the Zoning Regulations.

The Commission believes that the applicant has failed to demonstrate how the proposed PUD application will improve the overall single-family character of the neighborhood located immediately adjacent to the subject site. Both the building types and the density as proposed, are substantially different from the existing neighborhood.

The Commission notes that in a Planned Unit Development under the R-1-B District, the Commission cannot approve a use which is not permitted in that zone. A flat is not permitted in the R-1-B District. In addition, the proposal to provide twelve dwelling units exceeds the number permitted in the R-1-B District. With a minimum lot size of 5,000 square feet, only nine units would be permitted on a site of 46,700 square feet. The proposed PUD is thus deficient in two technical respects, and could not be approved as submitted.

The Commission further believes that the proposed development does not provide the future occupants of the site with a superior living environment to that which could be achieved under the general provisions of the Zoning Regulations. The Commission notes that given the severe topographical conditions of the site, appropriate relief for this property might include a variance from the Board of Zoning Adjustment.

The Commission further believes that the development does not provide specific public benefits that would justify a waiver of the minimum area requirement. Approval of this project as proposed would circumvent the intent and purposes of the Zoning Regulations.

The Commission believes that the applicant has not shown why the present zoning situation should be changed, and has failed to meet the burden of proof required to show that the case should be granted a hearing.

The Commission notes the report of the Office of Planning and Development dated December 7, 1979, recommending that the application be denied, and the fact that local citizens organizations also opposed the change.

The Commission, having noted the severe topographic conditions affecting the site, recommends that the applicant seek technical assistance from the Office of Planning Development prior to filing another application should he seek some further relief for this site from the Zoning Commission or the Board of Zoning Adjustment.

Based on the foregoing reasons, the Commission therefore orders that no hearing on this application be set and that the application be DENIED.



RUBY B. McZIER
Chair
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

Vote of the Commission at the meeting held on December 13, 1979:
4-0 (Commissioners Theodore F. Mariani, John G. Parsons, Walter B. Lewis and Ruby B. McZier, to deny - Commissioner George M. White, not present not voting).