

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 376

Case No. 82-2

July 12, 1982

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on April 26 and June 7, 1982. At those hearing sessions, the Zoning Commission considered its own initiative to amend the Zoning Map of the District of Columbia pursuant to Section 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. Case No. 82-2 is an action initiated by the Zoning Commission to consider a change of zoning from C-2-A to R-4 or C-2-C for a small portion of Lots 805, 806, and 826 in Square 859 at 727, 729, and 731 Sixth Street, N.E., respectively.
2. The subject area comprises the rear portions of three contiguous lots and is approximately 627 square feet in size. The subject lots are split-zoned R-4 at the front and C-2-A at the rear, and are each improved with a row dwelling fronting on Sixth Street.
3. The R-4 District permits matter-of-right development of residential uses, including detached, semi-detached and row single-family dwellings, and flats, with a minimum lot area of 1800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and a maximum height limit of three stories/forty feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit. The C-2-A District permits matter-of-right low density development including office, retail, and all kinds of residential uses to a maximum floor area ratio (FAR) of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses. The C-2-C District permits matter-of-right high density

development, including office, retail, housing and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.0, with non-residential uses limited to 2.0, and a maximum lot occupancy of eighty percent.

4. On February 11, 1982 in conjunction with its consideration of setting a public hearing for Case No. 81-20 (Map Amendment from R-4 and C-2-A to C-2-C @ 6th, 7th, G, and H Streets, N.E.), the Zoning Commission initiated the consideration of the subject case. Case No. 82-2 was initiated because the Zoning Commission determined that a small portion of the rear of the subject lots would remain C-2-A, if the Commission approved rezoning for Case No. 81-20. In that event all of the property surrounding the subject C-2-A area would be zoned either R-4 or C-2-C.
5. To the north of the subject area is R-4 and C-2-A zoning along H Street. To the east of the subject area is C-2-A zoning and the major portion of the property associated with Case No. 81-20. To the south and west of the subject area is R-4 zoning.
6. The predominant use to the west, south, and the immediate north of the subject area is residential. To the east of the subject area are many vacant, boarded-up structures in various stages of disrepair, which are being readied for demolition for a new development. To the north of the subject area beyond the residential uses are many commercial uses along the H Street Corridor.
7. The Office of Planning and Development (OPD) by memorandum dated April 15, 1982 and by testimony presented at the public hearing, recommended approval of R-4 zoning for the subject area. The OPD indicated that:

"In as much as the subject area is part of the residential lots along Sixth Street that are zoned R-4, it would be more desirable and consistent with the purposes of the Zoning Regulations, in our view, if the subject area also be zoned R-4."

The Commission so finds.

8. Nedra Smith, Ethel Johnson and Cora Brimfield, the owners of the three subject lots and, parties in the case, gave testimony at the public hearing in support of R-4 rezoning.
9. The Capitol Hill Restoration Society by letter received

June 7, 1982, opposed the case on the grounds that the proposal amounted to spot-zoning, outside the concept of orderly zoning and comprehensive planning.

10. The Advisory Neighborhood Commission 2C did not participate in this case.
11. The Commission finds that the change of the small C-2-A portion of the subject lots to R-4 is not spot zoning and is consistent with orderly zoning and planning. Such rezoning would remove a zone boundary line which splits-off a very small portion of the lots and would put all of the lots into a single zone category which is the predominant restricted zone in that area. The Commission finds that the C-2-A portion of the lots are in a less restrictive zoning than the major portion of the subject lots. The Commission finds that an unwarranted spot-zoning pattern could be created if the Commission approves Case No. 81-20 and does not rezone the subject area.
12. The action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the proposed rezoning would not adversely affect the Federal Establishment nor be inconsistent with the Comprehensive Plan and other Federal interests in the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to R-4 is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat, 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to R-4 will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to R-4 will not have an adverse impact on the surrounding neighborhood.

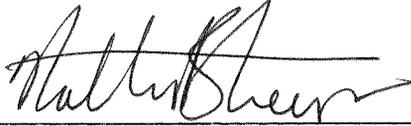
DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following:

Change to R-4 that portion of Lots 805, 806, and 826 in Square 859 presently zoned C-2-A @ 727, 729, and 731 - 6th Street, N.E., respectively.

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Vote of the Zoning Commission at the public hearing session held on June 7, 1982: 4-0 (George M. White, Lindsley Williams, John G. Parsons and Walter B. Lewis, to approve R-4).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

Vote of the Zoning Commission at the public meeting held July 12, 1982: 3-0 (George M. White, Lindsley Williams, and Walter B. Lewis, to adopt - John G. Parsons, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Map are effective on JUL 23 1982.