

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 577
Case No. 87-35
(Bojan II - Map Amendment)
August 8, 1988

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on April 18, 1988. At that hearing session, the Zoning Commission considered an application from Louis Bojan, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Section 3022 of that title.

FINDINGS OF FACT

1. The application, which was filed on November 19, 1987, requested a change of zoning from unzoned property to R-4 for the property known as parcel 243/75 (GSA Parcel II).
2. The subject site is located on Fourth Street between Mississippi Avenue and Trenton Street, S.E., and contains approximately 2.71 acre of land area. The applicant acquired the subject property from General Service Administration (GSA) of the U.S. Government through a bid procedure.
3. The applicant had previously acquired (Parcel III), a 3.2 acre site, from GSA which is contiguous to and abutting the subject site. Parcel III was rezoned by the Zoning Commission to R-4 in Z.C. Case No. 87-5, pursuant to Z.C. Order No. 543 dated September 21, 1987.
4. The subject site is trapezoidal in shape, unimproved, consists of a few trees, shrubs and undergrowth, and slopes uphill from south to north. The site is located in the Congress Heights neighborhood of Anacostia, and has approximately 450 feet of frontage along the east side of 4th Street.
5. The applicant has no specific development plans at this time. However, since the property is currently unzoned,

its classification within an appropriate zone district is required before it can be developed.

6. 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 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and 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.
7. The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the National Capital includes the subject site in the moderate density residential land use category.
8. The subject site and the property immediately to the north are unzoned; to the east is an R-5-A Zone district; the property immediately to the south is R-4; to the south across Mississippi Avenue are the Oxon Hill Recreation Center, Hart Junior High School and Simon Elementary School all of which are in an R-5-A zone district; and to the west and across Fourth Street is Ballou High School which is in an R-5-A zone district. An application is pending (Z.C. Case No. 88-3) for R-4 zoning classification for the unzoned property immediately to the north of the subject site which is known as GSA Parcel I.
9. There is a large expanse of R-2 and R-4 zoned and developed property located approximately 600 feet to the north of the site along Savannah Street and Martin Luther King Jr., Avenue. There are two small C-1 zoned sites located several blocks east and west of the site; and a pocket of R-5-B zoned property located approximately 800 feet north of the site.
10. The applicant indicated that an R-4 zoning classification would be in harmony with the indigenous construction in the area, and that the existing amenities in the area should greatly enhance the viability of any proposed R-4 construction.
11. The applicant indicated that he would like to work with the Office of Planning to possibly integrate the subject property and Parcel III into one development. He also stated the fact that he has built moderately priced single-family town houses in the District of Columbia for the past twenty (20) years.
12. The District of Columbia Office of Planning (OP), by memorandum dated April 4, 1988 and by testimony presented

at the public hearing, recommended that the application be approved. OP stated the following:

- a. First and foremost, the property is unzoned and its classification within an appropriate zone district is required before it can be developed;
 - b. The site is located adjacent to an R-4 zone and in close proximity to high density residential districts; and
 - c. The proposed R-4 District is supported by the Comprehensive Plan Generalized Land Use Map, which designates the site as appropriate for moderate density residential use.
13. The District of Columbia Fire Department (DCFD), by memorandum dated March 25, 1988, stated the following:
- "The Fire Department has reviewed the above-subject zoning case and recommends an automatic sprinkler system be installed in each building, to reduce the adverse effect a fire in these buildings could have on the Fire Department operations. This recommendation is based on the fact that there is no firm proposal for development and no site plan submitted for review.
- The Fire Department's interest in the development of parcel 243/75 is in providing access to driveways, alleys (If they are to exist), number of ways in and out of the development, fire hydrant locations and fire lanes."
14. The District of Columbia Department of Recreation (DCR), by memorandum dated April 6, 1988, recommended that any development proposal, pursuant to approval of the proposed change, be required to include the provision of an equipped play area for small children, with shading and seating for adults who would accompany the children to the park. Additionally, the department recommended that the play area meet National Recreation and Park Association Safety Standards and requirements.
15. The District of Columbia Metropolitan Police Department (MPD), by letter dated April 7, 1988, reported that the proposed map amendment has no impact on the Metropolitan Police Department at this time. The department recommended that favorable consideration be given to the applicant's request for a Zoning Map amendment.
16. The District of Columbia Public Schools (DCPS), by a letter dated April 15, 1988, reported that it does not

oppose the application. DCPS requested to be apprised of any developments that will fix the actual number and size of houses in order that they may adequately plan for any enrollment increases generated by the new housing.

17. The Office of Business and Economic Development (OBED), by memorandum dated April 25, 1988, reported that the office has no objection to the subject property to R-4.
18. The District of Columbia Department of Housing and Community Development (DHCD), by memorandum dated May 29, 1988, supported the application.
19. The Advisory Neighborhood Commission (ANC) 8C by a letter dated April 11, 1988, and by testimony presented at the public hearing, opposed the application for the following reasons:
 - a. The impact of additional flats/townhouses would create a tremendous hardship on schools in the area which are already overcrowded;
 - b. City services in the area are currently minimal and with the flux of new townhouses/flats would create a hardship on the police department, fire departments trash collection and transportation;
 - c. The property is on a steep slope, and with the proposed quantity of houses and flats there would be hazardous conditions created for the flow of traffic and safety of the community; and
 - d. R-1-B zoning and single-family detached housing is the appropriate development for the site.
20. There were no other parties either in support or opposition to the application, nor were there any persons in support of the application.
21. Three persons testified at the hearing in opposition to the proposal stating their concern regarding the quality of life in the area; the need for single-family detached housing as opposed to flats and townhouses; and capacity constraints on the area's schools and other community services.
22. The Office of Planning (OP), by memorandum dated June 3, 1988, reported that OP has referred the application to the Department of Consumer and Regulatory Affairs (DCRA) which is the agency that has jurisdiction over erosion control. OP further stated that DCRA has not expressed any concern regarding the potential for soil

erosion if the site was to be developed under an R-4 Zoning District.

23. The Zoning Commission concurs with the recommendation and position of OP, DHCD, OBED, DOR, DCFD and MPD and finds that zoning should be applied to the site.
24. As to the concerns of ANC-8C and others regarding overcrowded schools, soil erosion and storm water, the Commission finds that the permit process would trigger the involvement of relevant government agencies to specifically address the aforementioned concerns.
25. On June 13, 1988, at its regular monthly meeting the Zoning Commission took proposed action to zone the subject site R-4 and re-opened the record to offer the applicant an opportunity to submit information that demonstrates the applicant's intent to subject the site to the Large Tract Review Process.
26. The Commission finds that the criteria of Chapters 1 and 30 of DCMR, Title 11, Zoning, have been satisfied.
27. On July 11, 1988, at its regular monthly meeting, the Commission noted the letter from counsel for the applicant dated June 30, 1988, which was submitted with "covenant agreement" dated July 6, 1988 and signed by the applicant.
28. The proposed decision to approve R-4 Zoning was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government Reorganization Act. NCPC, by report dated August 2, 1988 indicated that the proposed action of the Zoning Commission would not adversely affect the Federal establishment or other Federal interest in the National Capitol, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Zoning to R-4 as set forth herein 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. Zoning the site to R-4 will not have an adverse impact on surrounding community.
3. Zoning to R-4 will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as set forth in the Zoning Regulations and Map of the District of Columbia.

4. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
5. Zoning R-4 is appropriate for the site.
6. The Zoning Commission has accorded ANC-8C the "great weight" to which it is entitled.

DECISION

In accordance of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the following amendment to the District of Columbia Zoning Map.

Change from unzoned property to R-4 that portion of parcel 243/75 (aka GSA Parcel II) located on 4th Street between Mississippi Avenue and Trenton Street, S.E., and shown on Exhibit No. 4 in the record of this case.

Vote of the Commission taken at the regular public meeting on June 13, 1988: 5-0 (John G. Parsons, Elliott Carroll, Lindsley Williams, to approve R-4; Maybelle Taylor Bennett and Patricia N. Mathews, to approve R-4 by absentee vote).

This order was adopted by the Zoning Commission at its regular public meeting on August 8, 1988 by a vote of 5-0 (Patricia N. Mathews, Lindsley Williams, Maybelle Taylor Bennett, and Elliott Carroll, to adopt; John G. Parsons to adopt by absentee vote).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on

16 SEP 1988



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat