Before the Board of Zoning adjustment, D.C.

PUBLIC HEARING--Sept. 30, 1964

Appeal #7941-42-43-44-45 Arthur E. Morrissette, Wilbur L. Gray, Jr. Capital Mortgage and Title Co. Inc., Gray Properties, Inc., Richard A. Kirstein, Lawrence Kirstein and Marvin L. Kayser, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 7, 1964:

ORDERED:

That the appeal for a five area variance fromthe story limitations of the R-5-A District to permit erection of ~~four~~ four-story apartment buildings located between Bowen and Stanton Roads, near Howard Rd. S.E., lots 1005, 991, 1004, 1006, 988, 898, 825, 921, 981, 984, 987, 989, 990, 51 thru 60, 855, 856, 858, 982, 983, 985, 986, 993, 1007 and 1008, square 5869, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Applicants' site is located within an R-5-A District and within an area where adverse topographic conditions exidting.

(2) The applicants' site plan and topographic plan, a part of Exhibit No. 1, shows that the site is affected by extreme changes in grade. At the western end of the site along a north-south axis the topography from an elevation of approximately 80 feet on Bowen Road rises in the center to approximately 110 feet and then falls to an elevation of approximately 70 feet at Stanton Road. At the eastern end of the site along a north-south axis the topography from an elevation of 110 feet at Bowen Road rises to an elevation of approximately 150 feet in the center and then falls to an elevation of approximately 100 feet at Stanton Road. Additionally, along an east-west axis the topography falls from an elevation of 150 feet at the eastern end of the site to an elevation of 70 feet at the western end of the site.

(3) From the plans submitted as applicants' Exhibit No. 1 there is an extreme practical difficulty in locating buildings numbered 1, 2, 3, 4 and 6 on the site under these extreme topographical conditions and at the same time limit the height of the buildings to three stories. All of the building above enumerated rise to four stories at the point of measurement on one side of the building and to three stories on the opposite side.

(4) From the evidence the Board finds that the proposed apartment buildings are all within the height limitation of 40 feet for the R-5-A District as has been determined by the Zoning Administrator. The Board also finds that the applicants propose to construct 229 apartment units in 6 low rise buildings. The plan of development does not exceed the FAR limitations or the percentage of lot coverage for the R-5-A Didtrict. Off-street parking spaces are provided on a one to one ratio.

(5) The Board finds that applicants' site contains a total area of 300,564 square feet. The proposed project will cover approximately 23.7% of the gross land area.

(6) From an inspection of the subject site and the surrounding area, the Board finds that the proposed development will be compatible with other neighborhood uses.

(7) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

Based upon the foregoing findings of fact, it is the opinion of the Board that the applicants have proven that the strict application of the zoning regulations to the subject property insofar as story limitation of the R-5-A District would result in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the owners. The severe topography in our opinion precludes development of the site with the usual three story structure. A variance from the strict application of the regulations therefore lies and can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map. Further, a variance will relive the applicants of the practical difficulties and undue hardship invested by the statute and will not impair the zone plan.