Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--April 14, 1965

Appeals #8149-50-51. J. & B. Inv., Inc., Aqudath Achim Congregation, and Elfio Sambatro, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on May 17, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-1-B District to permit erection of apartment building with a 1.5 FAR at the southwest corner of Piney Branch Road and Tuckerman Street, 6336 Piney Branch Road and 6338 Piney Branch Road, N.W., lot 807, parcels 88/211 and 88/209, square 2944, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property has a frontage on Tuckerman Street of approximately 206 feet, a frontage of approximately 291 feet on Piney Branch Road and 88.75 feet along the south line of parcel 88/211 which adjoins a sixteen foot wide public alley. The property contains an area of approximately 39,701 square feet. There is also a sixteen foot wide public alley to the west except the existing Temple property which immediately abuts the subject site for a depth of 102.7 feet measured from Tuckerman Street.

(2) Zoning in the general area consists of C-2 on Georgia Avenue east of the property and R-1-B for many blocks to the north, west and south. The entire square on which appellant proposes to erect his apartment building is zoned R-1-B and is developed with single-family homes and the Agudath Achim Congregation Temple.

(3) Appellant seeks a variance from the use provisions of the R-1-B District to permit the erection of a six-story apartment building containing 35 efficiencies and 40 one-bedroom apartment units. Parking for 75 automobiles will be provided. The proposed building would be located at the intersection of Tuckerman Street and Piney Branch Road with 56 parking spaces along the entire west side of the property and 19 spaces on the southern portion of the property.

(4) Appellant offers as Exhibit #3 a series of photographs of the subject site and as Exhibit #4 a series of photographs of the surrounding area. These photographs indicate that the subject property faces, directly across Piney Branch Road, a recently remodeled and enlarged service station facility with access to Georgia Avenue and Piney Branch Road and to the north of the site is located a small shopping center with offices above and off-street parking located to the rear thereof fronting on Tuckerman Street and directly opposite the site.

(5) Appellant offers Exhibits #5 and #6 which indicate the general zoning of the area and a land use survey of the immediate area adjacent to the subject property.

(6) Expert testimony was submitted by Mr. John F. Donahue, a real estate appraiser, who testified that he has studied the site plan and that the parking area will not impinge upon the residential neighborhood as access is provided from Piney Branch Road through the public alley at the south and Tuckerman Street from the north. He further testified that the development of this property with single-family homes would be an uneconomic venture and that sales resistance to detached homes would be substantial due to the fact that the site looks directly into a gasoline service station and fronts on a very busy highway. He further testified that the relief sought would not adversely affect property values or uses of residential property devoted to single-family uses and occupancy in this square, and that the relief would be consistent with the zoning plan and would provide a real need for the type of units proposed in this section of the city.

(7) Appellant concludes by stating that the property cannot be reasonably and economically developed for its zoned purpose for single-family residences, and that the Board has recognized that surrounding conditions sometime preclude the reasonable use of property for its zoned purpose. He further concludes that the public interest and area will be served by encouraging new development of the type proposed for the subject site; that almost no new development of the type proposed has been erected in Northwest Washington for the middle income group, and that the site is ideally situated for such development, particularly in view of its proximity to public transportation.

(8) There was objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has failed to prove a case of hardship within the meaning of the variance clause of the regulations (Section 8207.11).

From an inspection of the property by the Board, we were unable to find exceptional narrowness, shallowness or shape of the specific piece of property, nor could we find exceptional topographical conditions. This property is basically rectangular in shape, is normal in depth and length and has no exceptional topographical conditions.

The Board is of the opinion that appellant's argument of hardship related to surrounding land uses and traffic conditions are insufficient to support the relief requested. Not all residential properties are equally well situated and while there may be some sales resistance for those properties in close proximity to business districts or along heavily traveled streets, the Board does not consider this to be justification for a variance. This is not an exceptional condition or situation; on the contrary, along almost every zoning district boundary line circumstances exist which are similar if not identical to those offered by this appellant in support of this variance request.

In conclusion the Board is of the opinion that by granting this variance it would in effect be changing the zoning map, granting relief in substantial detriment to the public good, and impairing the intent, purpose, and integrity of the zone plan.