

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- May 18, 1966

Appeal No. 8722 Irving Baron et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on May 31, 1966.

EFFECTIVE DATE OF ORDER-- Sept. 12, 1966

ORDERED:

That the appeal for a variance from the requirements of Section 3307.13 to erect groups of apartment buildings with a FAR of 0.9 and 40 percent lot occupancy at 5106-08-10-12 D Street, SE., lots 7, 19-25 inclusive, square 5313, be granted.

FINDINGS OF FACT:

(1) Appellants' property is located in an R-5-A District.

(2) Section 3307.1 provides that "In the R-5-A \*\*\* Districts a group of \*\*\* apartment houses or a combination thereof, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of these regulations, provided that:

"3307.11 All buildings in such group are erected simultaneously;

"3307.12 The group does not consist of more than 12 dwelling units per floor, \*\*\* and provided further, that the number of dwelling units \*\*\* the front entrances of which do not face a street, shall not exceed four in depth from any street abutting the lot;

"3307.13 Such group and its accessory buildings do not occupy more than 25 percent of the lot area, nor exceed a floor area ratio of 0.65 in an R-5-A District."

(3) At the public hearing the appeal was amended to request 30 percent occupancy instead of a 40 percent occupancy.

(4) Appellants have a T shaped lot which fronts both on Call Place and on D Street, Southeast. The grade of the D Street frontage is approximately 15 feet higher than the Call Place frontage. The depth of the site from D Street to Call Place is 200 feet.

(5) Appellants proposes to erect a group of apartment buildings containing 18 one bedroom apartments and 18 two bedroom apartments. The apartment buildings will have division walls from the ground up.

(6) Appellants request an FAR of 0.9 instead of 0.65 and permission to occupy over 25 percent of the lot area.

(7) The total lot area is 32,000 square feet.

(8) Appellants propose to provide 37 parking spaces, one space in excess of the requirements. Access would be from Call Place only.

(9) Opposition to the granting of this appeal was registered at the public hearing. Four persons appeared at the hearing to oppose this appeal.

OPINION:

The Board is of the opinion that the appellants have proved a hardship within the meaning of Section 8207.1 of the Zoning Regulations. The shape of the site while unusual was created by the appllents. Prior to the assembly of the eight lots, each was rectangular, 40 feet by 100 feet containing 4,000 square feet. The shape therefore was rectangular and has no bearing on the hardship. The topography while not unusually difficult makes it extremely impractical to erect one building with normal side yards at each end. The topography is such that each floor level would have to be staggered in the manner of a split level house increasing construction costs far above and beyond the cost for a reasonably level lot or one on which the zoning permitted more than 3 stories. In order to build a three story building with each floor at the same level, it is necessary to erect high foundation walls in the rear, creating interior space that cannot be used. The additional cost of creating the unusable space creates a hardship in the opinion of the Board.

The granting of an FAR of 0.9 with an excessive lot occupancy will not result in a detriment to the public good and such relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

OPINION cont'd

We are further of the opinion that the erection of this group of apartment buildings will not affect adversely the present character or future development of the neighborhood. These apartment buildings, located in an R-5-A District, will be in harmony with the general purpose and intent of the Zoning Regulations.