

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 18, 1966

Appeal No. 8728 Paul J. McGarvey, appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and carried, the following Order was entered on May 31, 1966.

EFFECTIVE DATE OF ORDER: June 30, 1966

ORDERED:

That the appeal for a variance from the height and story limitations of the R-5-A District to permit erection of apartment building upon lot 126 in Square 6159 located at the northwest corner of 9th Street and Southern Ave., S.E., be granted.

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

(1) The Board of Zoning Adjustment in Appeal No. 7920, granted a variance from the height and story limitation to permit the erection of a building similar in height and design to the subject building on the same property as is the subject of this appeal. The Order in B.Z.A. Appeal No. 7920 is herein incorporated by reference.

(2) The Order in Appeal No. 7920 was entered on December 1, 1964. The time permitted for the construction of the building under the Board's Order has expired and thus the subject appeal was required.

(3) The plans heretofore approved by the Board in Appeal No. 7920 provided for a total of 20 apartment units with eight (8) one-bedroom units, eight (8) two-bedroom units and four (4) three-bedroom units. The plans for the building now proposed provide for 19 units with two-bedroom, one efficiency and 16 two-bedroom units.

(4) A topographical survey presented in the prior Appeal No. 7920 and the present appeal indicates that the elevation along Southern Avenue varies from 20 to 24 feet below the building line for the proposed building, as there is a 15 foot building restriction line on Southern Avenue. The topography along 9th Street indicates that 9th Street is approximately 10 to 22 feet below the ground elevation at the 15 foot building restriction line.

(5) The variance as to height in this case is 56 feet or 16 feet in excess of the 40 foot limitation. The variance as to stories is one (1) story in excess of the three (3) story limitation for the R-5-A District or four (4) stories.

(6) The Board found previously in Appeal No. 7920 that the subject site involved a hardship within the meaning of the variance clause and Regulations due to extreme topographical conditions.

(7) No objection to the granting of this appeal was registered at the public hearing. However, the record contains two letters opposing the granting of this appeal.

OPINION:

The Board is of the opinion that by reason of exceptional topographical conditions the applicant has demonstrated a hardship sufficient to support the granting of this variance within the meaning of the Zoning Regulations. Further, the Board is of the opinion that a variance in this case 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 Maps.