

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 8973 Mary Rose Greene, Trustee, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, with Mr. McIntosh not voting, the following Order was entered at the meeting of the Board on November 29, 1966.

ORDERED:

That the appeal for variance from the height and story limitations and floor area ratio not to exceed 1.8, of the R-5- A District and from the provisions of Section 7205 (location of parking spaces) and for roof structures in accordance with the provisions of Section 3308 at 28th and Austin Streets, SE., Parcel 213/52, near square 5632, be denied without prejudice.

FINDINGS OF FACT:

(1) The subject property is located in part in an R-5- A District, and in part in a C-3- A District.

(2) It is proposed to erect two apartment houses containing eight (8) stories and 338 apartment units.

(3) The proposed development is based on an FAR of 1.8. The allowable FAR is 0.9. Appellant states that without the increased FAR the site cannot be economically developed.

(4) The property consists of 205,000 square feet of area and has grades ranging from elevation 150 feet at the eastern boundary to 260 feet at the western boundary, a rise of 110 feet in 296.85 feet.

(5) At the lowest point of the property there is a stream of water which is a run-off from upper level development. To correct this condition appellant states that a concrete pipe drain will be constructed along the entire length of the property at a cost of \$6,000.

(6) Appellant states that the Highway Department requires that Austin Street be dedicated and finished. The site preparation and cutting and filling has been estimated at \$30,000, with curb and gutter costing an additional 7,500. A 10 foot high 900 foot retaining wall must be built to maintain a 45 degree slope at the rear of the building costing approximately \$27,000 and the 45 degree bank be pegged and staked at a cost of \$3,550.

(7) Additional site development costs due to topography are estimated to be:

Site preparation	\$30,000.
Curb and gutter	7,500.
Storm drain	6,000.
Retaining walls	27,000.
Additional landscaping	3,550.
Total . . . . .	<u>\$74,050</u>
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(8) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that this appeal must be denied. The requested relief would increase the FAR to the next higher zoning classification, and we believe that relief of the extent requested is beyond any required to compensate for the hardship established by the evidence. However, we deny this application without prejudice to refileing for some lower FAR.

Mr. Hatton: It is my view that the appeal should be denied on the ground that the Board has no jurisdiction to grant relief which would increase the FAR to that of a higher zoning classification