

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - January 18, 1967

Appeal No. 9081-82-83 Gray Capital Properties, Inc.,
T.S. and Maisie Huffman and Second
New St. Paul Baptist Church, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried with Arthur P. Davis dissenting, the following Order was entered at the meeting of the Board on November 30, 1967 and August 19, 1969.

EFFECTIVE DATE OF ORDER - Sept. 4, 1969

ORDERED:

That the appeal for permission to establish a philanthropic organization at Mills Avenue and Franklin Street, NE., part of lots 801 and 808, lot 802,803,809, 1 and 2, Square 4286, be conditionally granted as amended.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The area of appellant's lots is approximately 50,435 square feet.
3. Appellant, a non-profit organization, proposes to erect a seven (7) story building to provide housing and related facilities and services for elderly persons and elderly families who lack financial means to provide such housing and facilities for themselves, without distress, on a non-profit basis. To such end, the articles of incorporation, BZA Exhibit No. 18(b), are hereby made part of this record.
4. The Second New St. Paul Housing, Inc. intends to serve approximately 200 persons on the subject site.
5. As evidenced by Exhibit No. 18(h), a tabulation of receipts of contributions from December, 1965 through December 1, 1966, the Organization is wholly or substantially supported by endowment or contribution. The Second New St. Paul Housing, Inc. qualifies as a philanthropic or eleemosynary institution within the meaning of the Zoning Regulations.

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6. Under the plans submitted, the home would contain 100 living units, 19 one-bedroom units, 80 efficiency units, and one (1) three-bedroom unit. Parking is to be provided for in excess of 10 automobiles.

7. Appellant requests that a variance be granted to permit open parking spaces in front of the proposed building; that a variance be granted to permit erection of the structure within thirteen feet at the nearest point to the lot line; and that a variance be granted to permit erection of a building not to exceed 62 feet in height. Appellant alleges that a hardship exists because of the shape and narrowness of the subject lots. It is proposed to close the existing public alley.

8. Located adjacent to the proposed building is the Second New St. Paul Baptist Church. The surrounding neighborhood is composed of single-family detached homes.

9. No goods, chattels, wares or merchandise will be commercially created or exchanged or sold upon the premises.

10. Opposition to the granting of this appeal was registered at the public hearing.

11. By letter dated November 27, 1967, the National Capital Planning Commission submitted its report to the Board of Zoning Adjustment. The Commission conditionally approves the granting of this appeal.

12. Appellant requests that the Board amend this appeal to permit one-hundred (100) living units instead of the ninety (90) living units approved by the National Capital Planning Commission.

OPINION:

The Board is of the opinion that the granting of this appeal will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and maps.

OPINION Cont'd

Further, we are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Regulations and that a denial of the requested variances will result in peculiar and exceptional practical difficulties upon the owner. The requested relief 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.

This Order shall be subject to the following conditions:

- [a] The height of the building shall be limited to approximately 40 feet; as shown on the plans submitted, elimination of the two top floors would make the building 43 feet in height.
- [b] The density of the project shall be limited to 100 dwelling units.
- [c] Vehicular access and egress shall be restricted to the Mills Avenue frontage, and all parking shall be located in the area between Mills Avenue and the proposed building.
- [d] Areas for proposed off-street parking in the rear of the building shall be used for sitting and recreational locations.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:



CHARLES E. MORGAN
Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 17, 1969

Appeal No. 9081-82-83 Gray Capital Properties, Inc.,
T.S. and Maisie Huffman and Second
New St. Paul Baptist Church, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried,
the following Order of the Board was entered at the meeting on
September 23, 1969.

EFFECTIVE DATE OF AMENDMENT - October 28, 1969

ORDERED:

That the appeal for permission to establish a philanthropic organization at Mills Avenue and Franklin Street, NE., parts of lot 801 and 808, lot 802,803,809,1 and 2, Square 4286, be granted as amended.

FINDINGS OF FACT:

1. Appellant requests clarification of FINDING OF FACT No. 3 to show that permission has been granted to appellant to erect a five (5) story building 43 feet in height.
2. Appellant requests that the previous Order of the Board be modified to permit a one story trashroom extending into the rear yard 13 feet and measuring 25 feet in width.
3. The lounges, medical suite, laundry room, and the barber and beauty shops are now to be located in the basement of the proposed building.
4. A total of nine additional living units have been added to the first floor of the building. A small office for suite control is also to be located on the first floor of the building.
5. Appellant proposes to erect this five (5) story eleemosynary institution with roof structures to house cooling tower and elevator machinery.

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6. The total area of appellants lot is 55,768 square feet. The area of the proposed building is 10,166 square feet with an F.A.R. of 1.13.

7. The area of the roof structure is 608 square feet with an F.A.R. of .0109.

8. The material and color of the street facade of the building will be dark brown brick with matching penthouse.

9. This appeal was filed and heard under plan by James B. Huntley, architect, drawings numbered A-1,A-3,A-8, and A-9, approved as noted by Arthur P. Davis, architect-member of the Board, on October 27, 1969.

10. No opposition to the granting of this amendment was registered at the public hearing.

OPINION:

We are of the opinion that the listed items for amendment can be granted. Permission is granted for the erection of a building 43 feet in height containing five (5) stories.

The rear yard variance requested by the appellant is granted. It is our opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

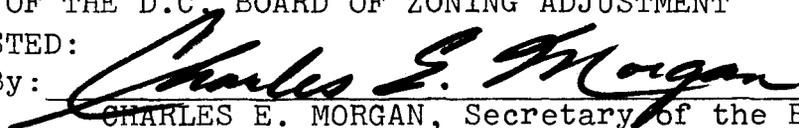
Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that the roof structures will harmonize with the street frontage of the building in architectural character, material and color and is in harmony with the purpose and intent of the Zoning Regulations.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:


CHARLES E. MORGAN, Secretary of the Board

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - December 10, 1969

Appeal No. 9081-82-83 Gray Capital Properties, Inc., T.S. and
Maisie Huffman and Second New St. Paul
Baptist Church, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried,
the following Amendment of the Board's Order was entered at the
meeting of December 16, 1969.

EFFECTIVE DATE OF AMENDMENT - Dec. 22, 1969

ORDERED:

That the Order in this appeal, effective September 4, 1969,
for permission to establish a philanthropic organization at Mills
Avenue and Franklin Street, NE., parts of lot 801 and 808, lots
802,803,809,1 and 2, Square 4286, be amended to read as follows:

That the last sentence under FINDINGS OF FACT No. 7 be
amended to read as follows:

"It is proposed to close 80 feet of the public
alley."

This Amendment does not alter any other terms in the Board's
Order effective September 4, 1969.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 
CHARLES E. MORGAN
Secretary of the Board

THAT THE AMENDMENT IN THE ORDER OF THE BOARD IS VALID FOR
A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING
AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS
WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THE
AMENDMENT.