Before the Board of Zoning Adjustment, District of Columbia

PUBLIC HEARING -- March 20, 1968

Appeal No. 9517 Wesley Properties, Inc., appellant.

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 March 26, 1968.

EFFECTIVE DATE OF ORDER - July 18, 1968

ORDERED:

That the appeal for a variance from the side yard requirements of the R-5-A District to permit erection of row dwellings at the northeast corner of 26th and R St., SE., lot 814, square 5586, be granted.

FINDINGS OF FACT:

[1] The subject property is located in a R-5-A District.

[2] It is proposed to erect nine townhouses or row dwellings on the subject site.

[3] Section 3105.31 provides that "Any use permitted in an R-4 District under paragraph 3104.3 of this Article, except row dwellings are not permitted in R-5-A Districts."

[4] The subject appeal was accordingly amended to request a variance from the use provisions of the R-5-A District to permit row dwellings.

[5] The architect for the project testified that the subject site had apparently been a ravine at one time and now consists of fill.

[6] By letter dated February 29, 1968 (BZA Exhibit No. 12), the Bojan Construction Corp. stated that an apartment project has been presented to numerous lending institutions for loan approval and rejected by all. The refusal of these institutions

[6] Continued
was stated to be the following: (a) extremely poor soil conditions, rough terrain, and difficulty of providing adequate parking. These soil conditions require an apartment project design with a Mat foundation. The foundation cost has been considered uneconomical by the lenders.

[7] The Test Boring Report indicates that 29 feet below ground there is cinder, clay, brick, concrete and asphalt fill.

[8] There was opposition to the granting of this appeal registered at the public hearing by a resident of the area who claimed that some of the residents had not received adequate notice of the hearing. The record was kept open after the hearing to permit interested residents of the area to express their views.

OPINION:

We are of the opinion that the appellant has shown a hardship within the meaning of the zoning regulations. The proposed subdivision and erection of single family row dwellings will have no adverse affect upon nearby and adjoining property. The row dwellings will reduce the density that the normal R-5-A zoning would permit. Therefore, we conclude that this proposed development will be in harmony with the general purpose and intent of the zoning regulations and map.

Since these are to be single-family dwellings, we do not consider that FAR factors are applicable.

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

ATTESTED:

By: James E. Bess
JAMES E. BESS
Administrative Officer