Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - October 23, 1968

Appeal No. 9799 Carl S. Gewirz, 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 October 29, 1968.

EFFECTIVE DATE OF ORDER - May 8, 1969

ORDERED:

That the appeal for variance from the lot occupancy, floor area ratio and side yard requirements of the R-5-A District to permit erection of 7 townhouses at 4443 MacArthur Blvd., NW., lots 959 and 960, Square 1363, be partially granted unanimously.

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District.

2. The property is presently unimproved and is approximately 13,900 square feet in area.

3. Appellant proposes to erect seven row dweelings each containing the following as shown in exhibit 1-a:

(a) Living room	15 x 17 ft.
(b) Dining room	12 x 12 ft.
(c) First Bedroom	12 x 14 ft.
(d) Second Bedroom	15 x 10 ft.
(e) Three Bathrooms	
(f) Playroom	10'6" x 20'4"
(g) Utility area	15' x 11'
(h) Kitchen	15'4" x 10'8"

Each house is to have a 16 foot frontage.

4. Appellant alleges that the unique shape of the site allows six (6) 18' frontages plus one frontage with width over 18 ft.

5. A right of way or easement, unrecorded, created in 1939 currently provides vehicle access to the rear of the following properties:

(a)	4441 MacArthur Blvd.	Lot 956
(b)	4447 MacArthur Blvd.	Lot 958
(c)	1422 Foxhall Road	Lot 15
(d)	1426 Foxhall Road	Lot 14
(e)	1428 Foxhall Road	Lot 13

After construction of the proposed townhouses, approximately 12 properties will use the current easement.

6. Appellant contends that the right of way imposes a hardship in that continual access must be provided for neighboring properties, thus requiring a 14 ft. driveway which reduces the divisible frontage of the subject site.

7. Appellant alleges that a 20-unit apartment building is undersirable at the subject site.

8. Off-street parking is to be provided for the townhouses on the rear of the individual lots.

9. Appellant proposes an exterior drive servicing each lot as a replacement of the existing right-of-way.

10. Appellant amends this appeal for consideration of the reduction of the right-of-way from 14 ft. to 12 ft.

OPINION:

We are of the opinion that the appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations with regard to the use provisions of the R-5-A District, specifically Section 3105.31, and that to deny the erection of row dwellings would prevent the reasonable use of the property and cause peculiar and practical difficulties upon the owner. The R-5-A District was designed for low height

OPINION Cont'd

and density in permitting flexibility of design by permitting in a district all types of urban residential development conforming to height and density requirements under Articles 32 and 33 of the Regulations. The proposed row dwellings will meet the requirements of the stated Articles of the Regulations. Additionally, the density will be lower than that which is permitted.

Further, 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) Appellant shall limit erection to six (6) houses with frontages measuring 18 feet each in conformity with the requirements for the R-4 District.

(b) The lot occupancy and floor area ratio requirements of the R-4 District shall be maintained

(c) The 14 foot right-of-way shall be maintained.

(d) Covenants shall be provided assuring access to the rear of all properties affected.

Reconsideration of original Board action is denied.

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

ATTESTED:

By: Charles E. Morgan
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 - February 18, 1970

Appeal No. 9799 Carl S. Gewirz, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following amendment in the Order of the Board was entered at the meeting of the Board on February 24, 1970.

EFFECTIVE DATE OF AMENDMENT - March 11, 1970

ORDERED:

That the appeal for variance from the lot occupancy, floor area ratio and side yard requirements of the R-5-A District to permit erection of 6 townhouses at 4443 MacArthur Blvd., NW., lots 959 and 960, Square 1363, be granted as amended.

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District.

2. The Board previously granted a variance from the lot occupancy, floor area ratio and side yard requirements of the R-5-A District to permit erection of six (6) townhouses in BZA Appeal No. 9799 effective May 8, 1969.

3. Appellant requests amendment to permit subdivision in accordance with BZA Exhibit No. 28, dated February 18, 1970.

4. All lots created by the newly proposed subdivision shall be in excess of 1,800 square feet.

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

OPINION:

The Board is of the opinion that the facts remain substantially the same as they existed at the time of the original granting of this appeal. This amendment does not alter any other provisions of the Board Order effective May 8, 1969.

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

ATTESTED:

By: Charles E. Morgan

CHARLES E. MORGAN
Secretary of the Board