

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17417 of 1425 Belmont Street, N.W. LLC, pursuant to 11 DCMR § 3104.1, for a special exception to allow a group of dwellings, some having front entrances abutting a side yard, and to allow a group of eight (8) single-family dwellings to be erected as a single building under subsection 410.13, in the R-5-B district at premises 1425 Belmont Street, N.W. (Square 2661, Lot 50).¹

HEARING DATE: January 17, 2006

DECISION DATE: February 7, 2006

DECISION AND ORDER

This self-certified application was submitted August 18, 2005 by Morris Architects on behalf of Fred A. Smith Company (“Applicant”), the owner of the property that is the subject of the application. The application requested a special exception under § 410.13 to allow construction of a group of dwellings on a vacant lot in the R-5-B district at 1425 Belmont Street, N.W. (Square 2661, Lot 50).

Following a hearing on January 17, 2006 and a public meeting on February 7, 2006, the Board voted 4-0-1 to deny the application.

PRELIMINARY MATTERS:

Notice of Application and Notice of Hearing. By memoranda dated August 22, 2005, the Office of Zoning provided notice of the application to the Office of Planning, the District Department of Transportation, the Councilmember for Ward 1, Advisory Neighborhood Commission (“ANC”) 1B, and Single Member District/ANC 1B06. Pursuant to 11 DCMR § 3113.13, on November 1, 2005 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, the Councilmember for Ward 1, ANC 1B, and owners of property within 200 feet of the subject property. Notice was also published in the D.C. Register on November 4, 2005 (52 DCR 9849).

Party Status. In addition to the Applicant, ANC 1B was automatically a party in this proceeding. There were no additional requests for party status.

¹ The Applicant’s proposed project was originally designed so that the front entrances of all eight dwelling units would be located in the side yard at the western edge of the subject property. The application was subsequently amended so that two of the eight dwellings would face south, fronting on Belmont Street, while the front entrances of the other six dwelling units would be located in the western side yard.

Applicant's Case. The Applicant presented evidence and testimony describing plans to construct a group of eight dwelling units, to be deemed a single structure, on the subject property, and indicated that the requested special exception was necessary because the front entrances of six of the eight proposed dwellings would face a side yard. According to the Applicant, the project was consistent with the general intent and purpose of the Zoning Regulations and Map, because multi-family dwellings were permitted as a matter of right and the proposed height, density, lot occupancy, and setbacks of the proposed dwellings would satisfy zoning requirements. The Applicant also asserted that the project would not adversely affect the use of neighboring property because the abutting properties, both owned by the Applicant, were both developed with multi-family buildings – one with a blank wall facing the subject property, and the other with its main entrance located in its 10-foot side yard facing the subject property.

Government Reports. By memorandum dated January 10, 2006, the Office of Planning (“OP”) recommended approval of the application. According to OP, the Applicant’s proposal would satisfy the requirements of § 410 and the intent of the Zoning Regulations and Map, would not adversely affect the use of neighboring property, and would be consistent with the goals set forth in the Comprehensive Plan with respect to housing in Ward 1.

ANC Report. By letter dated January 7, 2006, Advisory Neighborhood Commission 1B indicated that, at a regularly scheduled meeting on January 5, 2006 with a quorum present, the ANC voted 5-3-0 to oppose the application. The ANC expressed concerns about safety risks, especially the number of units that would not be accessible directly from Belmont Street, and “the effect of introducing thirty-two new bedrooms on a street with provision for only four parking spaces.”

By letter dated January 31, 2006, ANC 1B reiterated its opposition to the application. According to the ANC, two multi-family buildings cited by the Applicant as having a side entrance similar to that proposed for the project on the subject property were “examples of poor design and out of character with the surrounding neighborhood.”

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is located at 1425 Belmont Street, N.W., on the north side of the street (Square 2661, Lot 50).
2. The subject property is a narrow, rectangular lot 50 feet wide and 150 feet deep, bounded by four-story apartment buildings to the east and west and a public alley

on the north. The lot faces Belmont Street, which has a 65-foot-wide right of way; the alley is 20 feet wide.

3. The subject property is currently unimproved.
4. The apartment building to the east of the subject property has a blank wall along the shared property line. The apartment building to the west has a 10-foot side yard abutting the subject property, in which its main entrance is located.
5. Properties in the vicinity of the subject property are zoned primarily R-5-B and contain multi-family residences and row dwellings. A commercial area, zoned C-2-B, is located east of the subject property along 14th Street.

Applicant's Project

6. The Applicant proposed to build a group of eight single-family dwelling units with division walls from the ground up, so that the structure would be deemed a single building. The units would be arranged so that two would face Belmont Street and the other six would face west, with their front entrances located in the side yard.
7. Each dwelling unit would be approximately 15 feet wide and 34 feet long. Each would have a basement level and three stories above grade, and would contain four bedrooms. The facades would be made of brick.
8. After construction of the proposed dwelling units, the subject property would have eight-foot side yards and a 26-foot rear yard, a floor area ratio of 1.75, and a lot occupancy of 56 percent.
9. The apartment building abutting the subject property to the east has a solid brick wall along the shared property line. Its entrance is located in the side yard on the east side of the building.
10. The apartment building abutting the subject property to the west has a 10-foot wide side yard. The entrance to the building is located in the side yard, and would face the entrances to six of the Applicant's proposed dwelling units.
11. The Applicant proposed to provide four parking spaces at the rear of the subject property, accessible from the public alley. Pursuant to chapter 21 of the Zoning Regulations, the parking requirement for the project is four spaces (*i.e.* one for each two dwelling units). 11 DCMR § 2101.1.

Harmony with Zone Plan

12. The subject property is zoned R-5-B. The R-5 districts are "designed to permit

flexibility of design by permitting in a single district...all types of urban residential development if they conform to the height, density, and area requirements established for these districts....” 11 DCMR § 350.1.

13. The Generalized Land Use Map designates the subject property as “moderate density housing,” which includes row dwellings and garden apartments as the predominant uses.

CONCLUSIONS OF LAW

The Applicant seeks a special exception under § 410 to allow a group of dwellings, some with front entrances abutting a side yard, and to allow the group of eight single-family dwellings to be erected as a single building under § 410 in the R-5-B district at 1425 Belmont Street, N.W. (Square 2661, Lot 50). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. *See* 11 DCMR § 3104.1.

Pursuant to § 410, the Board may approve, as a special exception, a group of one-family dwellings with division walls erected from the ground up and deemed a single building, subject to certain requirements. The Applicant’s proposal – to build eight dwelling units, with division walls from the ground up and deemed a single building, with entrances to six of the eight units located in a side yard – would not satisfy the requirement set forth in § 410.13(b), pursuant to which all front entrances of the group of dwellings must abut a street, front yard, or front court. Notwithstanding § 410.13, the Board may approve, as a special exception, a group of one-family dwellings with division walls erected from the ground up and deemed a single building, provided that vehicular access to all or part of the group must be provided when, in the Board’s judgment, the access is necessary in the interest of public convenience and safety, and provided that the erection of the group of buildings will not affect adversely the present character or future development of the neighborhood. *See* 11 DCMR §§ 410.14 – 410.16.

The Board is not persuaded that the Applicant’s proposed project will not affect adversely the present character or future development of the neighborhood. The neighborhood is characterized primarily by attached and semi-detached buildings that face the street. The predominance of attached and semi-detached buildings helps define the neighborhood’s streetscape, and their orientation toward the street enhances public safety by allowing for “eyes on the street.” The Applicant proposed to construct a detached building containing primarily dwelling units that would not face Belmont Street,

thereby altering the character of the street as well as the patterns of ingress, egress, and travel through the alley, and lessening the visibility of the building's entrances from public space.

The Board concurs with ANC 1B that the examples cited by the Applicant of other buildings having principal entrances located in a side yard illustrate that side entrances can detract from the character of the neighborhood by altering the street frontage, and by drawing people into the interior of a property, not easily visible from the street. The Board notes the testimony of the Office of Planning that the Applicant's proposal would not affect the present and future character of the neighborhood, but is not persuaded by the rationale underlying OP's conclusion – that the proposed multi-family residential building would conform to the neighborhood's present character of moderate-density residential use – because it does not address the concerns arising from the location of the front entrances in a side yard.

Based on the above findings of fact, and having given great weight to the Office of Planning and to the issues and concerns of the affected ANC, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the requested special exception. Accordingly, it is therefore **ORDERED** that the application is **DENIED**.

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann II voting to deny the application; Carol J. Mitten not present, not voting).

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

Each concurring Board member approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

FINAL DATE OF ORDER: **JAN 29 2007**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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BZA APPLICATION NO. 17417

As Director of the Office of Zoning, I hereby certify and attest that on **JANUARY 29, 2007**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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ATTESTED BY:


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