

Before the Board of Zoning Adjustment, D.C

PUBLIC HEARING -- May 17, 1967

Appeal No. 9210 D.C. Redevelopment Land Agency, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Arthur P. Davis abstaining because of his view that the Board lacks jurisdiction in the Southwest Urban Renewal Area, the following Order was entered at the meeting of the Board on May 22, 1967.

EFFECTIVE DATE OF ORDER - Dec. 7, 1967

ORDERED:

That the appeal for permission to erect apartment houses with driveway entrances and exits less than 75 feet from street building line, for parking in front of building and within 10 feet thereof located at 4th and P Streets, SW., lot 24, square 547 as required by the Old Zoning Regulations of D.C., Section 23, Part 2, Paragraph 2,3, and 25, *be granted*

FINDINGS OF FACT:

(1) Appellant's property is located in the Southwest Urban Renewal Area.

(2) The land is presently owned by the District of Columbia Redevelopment Land Agency and is to be conveyed to Southwest Housing Associates prior to construction.

(3) This appeal is filed under the Zoning Regulations dated August 30, 1920 and revised March 10, 1955.

(4) Section XXIII, Part 2, Paragraph 3 of the above regulations provides that the Board may "Permit in a residential district a public storage garage in an apartment house when the vehicular entrances and exits are so located that dangerous traffic or otherwise objectionable conditions will not be created; provided the floor area of such garage does not exceed one-fourth of the total floor area designed for use or used by the tenants."

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Section XXIII, Part 2, Paragraph 25 provides that the Board may "Permit open parking spaces between the outside walls of a building and the line of any street upon which the lot abuts for the accommodation of motor driven vehicles of persons residing in the building or buildings on the premises, subject to such restrictions and safeguards as may, in the opinion of the Board, be necessary to protect the residential property in the vicinity and provided the Board finds that such use will not interfere unreasonably with the most appropriate use of neighboring property under the zone plan."

(5) It is proposed to erect residential structures, high-rise, row house, and walk-up living units. There will be 5,000 square feet of neighborhood commercial space on the ground floor of one of the buildings and the residential units are to be moderate income housing built under the provisions of Section 221(d) (3) of the Federal Housing Act.

(6) The rental will range from \$117.00 to \$182.00 per month.

(7) Appellant states that the variance from the regulation is required:

- (a) "To allow parking between the west wall of the building A and 4th Street.
- (b) "To allow parking between the south wall of building A and B and P Street.
- (c) "To allow parking between the north wall of building E and O Street.
- (d) "To allow parking between the east wall of building D and 3rd Street.
- (e) "To allow parking within 6 feet of the south walls of buildings A and B.
- (f) "To allow two entrances to public storage garages to be within 25 feet of the north property and building line. The entrances are from the main parking area and enter under buildings B and C."

(8) The subject property is surrounded by streets with the exception of 98.6 feet on the northeast portion of the property.

(9) By letter dated April 12, 1967 (BZA Exhibit No. 5) the Executive Director of the District of Columbia Redevelopment Land Agency states the proposed plan has been reviewed by his agency and conforms to the requirements of the Urban Renewal Plan for Project C. The plan has been given general approval by the RLA Architectural Review Panel.

(10) No opposition was registered at the public hearing to the granting of this appeal.

OPINION:

We are of the opinion that the location of this proposed parking will have no adverse affect upon nearby and adjoining residential property. Further, this proposed location will not create a traffic hazard or other objectionable conditions.

Mr. Davis is of the opinion that the Board of Zoning Adjustment lacks any jurisdiction in this case.