Before the Board of Zoning Adjustment, D. C.

Application No. 12147, of Fairfax Village, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception from Sub-section 3105.42 to permit a new residential development of eight (8) semi-detached and twenty-six (26) row dwellings and, pursuant to Sub-section 8207.11 of the Zoning Regulations, for variances as follows: variance from the 0.9 FAR limitation (Sub-section 3302.1), variance from the rear yard requirement (Sub-section 3304.1), variance from the 8 foot side yard requirement (Sub-section 3305.1) and variance from prohibition against parking within (10) feet of a dwelling (Sub-section 7205.2). The 64,545 square foot site is located in the R-5-A District at the premises 3600 through 3612 - 36th Place, 3601 through 3631 - 36th Place and 3645 through 3665 Alabama Avenue, S. E., (Square 5671, Lots 42, 43, 46-48 and part of 41).

HEARING DATES: July 16, September 15, and 21, 1976

DECISION DATE: September 28, 1976

FINDINGS OF FACT:

1. The May, 1976 recommendations from both the Municipal Planning Office and the Department of Housing and Community Development indicated that building density should be reduced.

2. The Municipal Planning Office's recommendation also included the following observations:

a. That the parking arrangement did not tend to separate pedestrian activity from automobile paths;

b. The total number of proposed dwelling units overcrowded the land and the arrangement did not allow for the adequate circulation of light or air, especially at the southern boundary of the site;

c. That the proposed units were not adequately removed from the existing dwellings surrounding the site; and,

d. The lack of an acceptable drainage plan that addressed the site conditions.

3. On September 15, 1976, responding to the Board's request, the applicant submitted a revised plan which

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requested permission to subdivide 16 row dwellings and 14 semi-detached dwellings. Also requested were variances from the F.A.R., one special exception from the 3,000 square feet area required for a semi-detached dwelling, and one variance from the rear yard requirement.

4. The revised plan addressed the observations of the Municipal Planning Office in the following manner:

a. The criticisms noted in the parking arrangement were corrected by providing garages in each unit;

b. The proposed units at the southern border of the site were reduced by two (2) units and divided into three (3) groupings;

c. The proposed groupings on the north side of 36th Place have been reduced by two units and the space between the existing and proposed units enlarged; and,

d. Finally, the applicant has submitted a drainage plan which addressed the water run-off problems related to the site.

5. The Board of Education indicated that school capacity is adequate to accommodate children expected from the proposed development and offered no objection to approval of this application. The basis for their recommendation is the scheduled September, 1976 opening of the new Winston Elementary School at 31st and Erie Streets, S. E., the September opening of the Fletcher Johnson High School at Benning and C Streets and the addition to the Anacostia High School which will expand capacity by 300 seats. The impact from the proposed development was perceived as minimal when, based upon the hypothesis that one child of school age will come from each residence in the proposed development.

6. The National Capital Planning Commission indicated that there were schools, recreation areas, and public streets to serve the residents from this development and that the proposal was not inconsistent with the density of 30 units per net acre recommended in the General Land Use Objectives of the 1970-85 Comprehensive Plan for the National Capital.

7. The D. C. Department of Transportation had no objection to approval of the application.

8. The Department of Housing and Community

Development's recommendation of a 3 dwelling unit reduction has been incorporated in the applicant's revised plan.

9. The D. C. Department of Environmental Services agreed to investigate drainage problems occurring at the southern boundary of the site.

10. The Municipal Planning Office recommended approval of the revised plan and indicated that the site plan met the requirements of the R-5-A District and was sensitive to the light, air and density of the surrounding area.

11. Opposition was registered at the public hearing based on the following considerations:

a. The clogging of the drains in the public alley at the southern boundary;

b. The increase in population density from the proposed development;

c. The increased educational burden placed on surrounding schools.

CONCLUSIONS OF LAW:

Based upon the recommendations of affected District agencies, the Findings in the record, and the intent and purposes of the Zoning Regulations, the Board concludes that the applicant's revised plan for development of the site is suitable for 30 single family houses. The Board further concludes that the applicant's revised plan of the development is in harmony with the residential character of the surrounding areas and will not adversely affect the use of neighboring property. The Board also concludes that due to the shape of the property, topography, and site planning considerations, the requested area variances related to this project are justified. The Board, finally concludes, therefore, that the special exception and variances should be GRANTED subject to the following conditions:

1. The development shall be in accordance with Sheet I of plans submitted by architect, Paul Devrouax, dated September 16, 1976.

2. Permits shall not be issued until the developer has complied with soil erosion and sediment

control requirements of the D. C. Department of Environmental Services.

VOTE: 3-0 (Leonard L. McCants, Esq., William F. McIntosh, and William S. Harps; with Lilla Burt Cummings, Esq., not voting, not having having heard the case at public hearing.)

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

ATTESTED By: Arthur B. Hatton
ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 1-14-77

THAT 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 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.