

Before the Board of Zoning Adjustment, D. C.

Application No. 12297

Application No. 12297 of The Marjorie Merriweather Post Foundation of D. C., pursuant to Section 8207.11 of the Zoning Regulations, for a use variance from the strict application of Section 3101.1 of the Regulations to permit the operation of a museum in the R-1-A District at the premises 4155 Linnean Avenue, N. W., Lot 800, Square 2245.

HEARING DATE: January 25, 1977

DECISION DATE: April 6, 1977

FINDINGS OF FACT:

1. The subject property is located in the R-1-A District which is the most restricted residential zone in the District of Columbia. The purpose of the R-1 District is to protect quiet residential areas, to stabilize such areas and to promote a suitable environment for family life. For these reasons, there are only a few uses, besides residential and compatible uses, which are permitted in the R-1-A zone. Uses permitted as of right in the R-1 District include churches, embassies and public schools.

2. The subject property consists of a large estate of approximately 24.5 acres and includes the main residence building, miscellaneous dependency buildings on the estate, and several formal gardens, as well as other open space and woodland. The estate was the residence of the late Marjorie Merriweather Post. Mrs. Post developed the estate to be a museum for her collections centered on the art of 18th Century France and that of Imperial Russia. The collections include paintings, porcelain, glass, jeweled articles, textiles and furniture.

3. In 1968, Mrs. Post deeded the estate and collections to the Smithsonian Institution, subject to her retention of a life-time interest. Upon her death in 1973, the Smithsonian began preparations to operate the estate as a public museum. On July 1, 1976, the Smithsonian, being unable to resolve all of its operational problems, returned Hillwood and its collections to The Marjorie Merriweather Post Foundation of D. C. (the Foundation) and the estate of Mrs. Post. The Foundation has decided to operate the estate as a specialized public museum with the endowment left by Mrs. Post for this purpose.

4. Parking for more than 300 automobiles exists on the estate. Prior to Mrs. Post's death in 1973, the estate employed between 50 and 60 persons. When operated as a museum,

there will be approximately 14 employees performing administrative, curatorial, security, housing and building maintenance functions, six employees to tend the gardens and grounds, plus occasional temporary help for those purposes, and a volunteer docent staff of six.

6. The foundation plans to operate the museum on a pre-arranged group tour basis. Visitors will only be allowed on the grounds by arranging in advance a space on scheduled daily tours. Such daily tours will be limited to no more than eight (8), with each tour accommodating a maximum of 25 people. Each tour will be further broken down into three or four individual groups each accompanied by a trained guide. The hours of operation will be from 9:00 A.M., when the first tour will be scheduled, to approximately 6:00 P.M., five days a week. Current plans are to close Hillwood for maintenance on Tuesdays and Thursdays. All parking will be on the spaces already on the estate. These spaces are not visible from Linnean Avenue.

7. Hillwood will be used to display the art collections, gardens, and associated buildings which constitute the estate as a whole. The museum and grounds will only be used for such activities as directly support that purpose. Hillwood will not be available to any outside group for any type of social function.

8. This application has been reviewed by the Municipal Planning Office. That office has recommended conditional approval of the application. In addition, Advisory Neighborhood Commission 3-F, which encompasses Hillwood within its bounds, has adopted and submitted for the record a resolution supporting this application. The Forest Hills Citizens Association, which includes Hillwood within its area, at a general meeting on October 18, 1976, approved a resolution supporting the Foundation's application for a variance to operate Hillwood as a museum.

9. There was no opposition to the application and numerous letters of support were filed.

OPINION AND CONCLUSION OF LAW:

Based on the above Findings of Fact and the record, the Board is of the opinion that the requested use variance would be compatible with the R-1-A District. The proposed mode of operation of Hillwood will not constitute any greater intrusion in that residential district than uses permitted as of right such as churches, embassies and public schools. The requested variance will allow the preservation of this unique civic asset and its extensive grounds in their existing form.

The unique character of this museum, which could not be duplicated, derives from the combination of the collections, the buildings on the estate in which they are housed, and the surrounding gradens and grounds, all of which constitute a unified whole. The extraordinary and exceptional situation and condition of Hillwood results in peculiar and exceptional practical difficulties to and undue hardship upon the Foundation if the zoning regulations are strictly applied. Grant of a variance to operate the property as a museum will alleviate the hardship to the owners of the property, will not be a substantial detriment to the public good, and will not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations. Rather, it will be a positive contribution to the public good and promote the intent, purpose and integrity of the zone plan by promoting an attractive, livable and interesting city.

It is therefore ORDERED that the application be GRANTED FOR FIVE (5) years subject to the following conditions:

1. All parking shall be on the premises and not visible from public streets.
2. Visitors shall be admitted by appointment only.
3. No more than 200 visitors shall be allowed on any single day.
4. Visitors shall be limited to no more than 25 persons for each visitation period which shall be scheduled on a staggered basis during the hours of operation.
5. The museum shall open no earlier than 8:30 A.M. and no tour shall be scheduled to end later than 6:00 P.M.
6. The museum shall be open to the public no more than five (5) days a week.
7. The premises shall not be made available to any outside group for any type of social function.
8. Security for the premises shall be provided 24 hours a day, seven days a week.

VOTE: 3 and 1 - 0 (William F. McIntosh, Leonard L. McCants, Esq., Richard L. Stanton, and Lilla Burt Cummings, Esq.,) Lilla Burt Cummings, Esq., voting to grant for five (5)

years subject to conditions 1, 2, 3, 4, 5, 6, and 8 supra; condition seven (7) to be modified to state, "There should be a reasonable use of the premises for social functions!"

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

ATTESTED BY:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER: April 15, 1977

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.