

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12408, of James L. and Constance M. Hope, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to permit office use of the first and second floors in the C-2-A District at the premises 1638 "R" Street, N.W. (Square 179, Lot 104).

HEARING DATE: September 29, 1977

DECISION DATE: September 29, 1977 (From the Bench)

FINDINGS OF FACT:

1. The Board of Zoning Adjustment held a public hearing on this application on May 17, 1977, and decided the case at the Executive Session of June 7, 1977. By order dated August 1, 1977 the Board granted the application by a vote of 3-1 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant, Lilla Burt Cummings to deny).

2. By Order No. 177, dated August 11, 1977, the Zoning Commission exercised its authority under Sub-section 8204.3 of the Zoning Regulations and stayed the effect of the Board's order.

3. By Order No. 182, dated September 8, 1977, the Zoning Commission vacated the Board's order and directed the Board to consider the case again with specific attention to the following;

- a. The adequacy of available public parking in the area, in light of the fact that the demand for both on-street and off-street parking appears to exceed the available supply and
- b. Whether the appropriate relief, if any, is a variance as applied for or a special exception under Sub-section 7205.3 to locate the required parking elsewhere than the site itself.

4. The subject property is located on the south side of "R" Street between 16th and 17th Streets, N.W. It is one of the widest properties on the block, and one of the few commercial properties fronting on "R" Street.

5. The applicant proposes to convert the three-story subject premises from a residential use to a commercial office use. The proposal requires a variance from the parking requirements, because there will not be sufficient space on the property to supply the required number of parking spaces. The Zoning Regulations require that the applicant provide four off-street parking spaces. The applicant is able to provide two spaces on the lot. A variance from the remaining two spaces is thus required.

6. The applicant intends to maintain the structure as a mixed use building by retaining the two existing apartments on the third floor and creating offices, on the first and second floors, occupying 5,800 square feet.

7. Curb parking is limited in the immediate area of the property, but there are approximately two-hundred commercial parking spaces in close proximity to the building.

8. There are existing commercial lots in the area, including one at the corner of 17th and "R" Streets and one at 1613 New Hampshire Avenue, which have available parking spaces in the morning at the time when tenants of the building at 1638 "R" Street might be seeking parking.

9. There is adequate public transportation serving the site, including numerous bus routes and a Metrorail station at Connecticut Avenue and "R" Street.

10. The area of the subject property is 4,067 square feet, of which all but a small portion is occupied by the existing structure. It is possible to locate two acceptable parking spaces at the rear of the structure.

11. The Dupont Circle Citizens Association and the North Dupont Community Association, by testimony presented at the original hearing, opposed the application on the grounds that no hardship could be demonstrated and that there would be an adverse impact on parking in the area.

12. The Midway Civic Association, by letter dated September 27, 1977 and by testimony presented at the hearing, recommended approval of the application and stated that the office use would have no adverse effect on parking in the area.

13. The District of Columbia Federation of Civic Association, by letter dated September 23, 1977 and by testimony presented at the hearing, recommended approval of the application and stated that the office use would have no adverse effect on parking in the area.

14. The Municipal Planning Office by report dated May 12, 1977 and by testimony at the original hearing recommended that the application be approved. The MPO stated "It is not anticipated that approval of this application will either adversely effect the surrounding neighborhood or impair the intent, purpose and integrity of the Zoning Regulations and Maps".

15. The Advisory Neighborhood Commission 2-B, by testimony presented at the hearing, opposed the application on the grounds that parking in the area is limited and the property should be used for residential purposes.

16. The applicant stated that he was unable to find another property owner within 800 feet who agree to enter into a long-term agreement to provide parking spaces for the property at 1638 "R" Street.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the use is permitted as a matter-of-right, that the building occupies close to 100 per cent of the lot and that there is no reasonable way in which all four required parking spaces could be provided. The Board concludes that these factors do constitute a practical difficulty for the applicant.

The Board concludes that public parking in the area does exist, both on and off-street and that while there is competition among businesses and residents for that parking, it would be unreasonable to deny this application on that basis, since this application would generate only a very small number of automobiles.

The Board concludes that there is no reasonable way for the applicant to meet the requirements of Sub-section 7205.3 to provide the required parking off-site, since no property owner within 800 feet could be found who would agree to a long-term commitment to provide those spaces. The Board therefore concludes that the application is within the intent and purposes of the Zoning Regulations and hereby ORDERED the GRANTING of this application.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Leonard L. McCants, William F. McIntosh and Chloethiel Woodard Smith to grant)

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

ATTESTED BY: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 29 SEP 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12408 of James L. and Constance M. Hope, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to permit office use of the first (1st) and second (2nd) floors in the C-2-A District at the premises 1638 R Street, N.W., (Square 179, Lot 104).

HEARING DATE: May 17, 1977

DECISION DATE: June 7, 1977

FINDINGS OF FACT:

1. The subject property is located on the south side of R Street between Riggs Place and Corcoran Street, N.W.
2. The applicant proposes to convert the three-story subject premises from a residential use to a commercial office use. The proposal requires a variance from the parking requirements, because there will not be sufficient space on the property to supply the required number of parking spaces. The Zoning Regulations require that the applicant provide six (6) off-street parking spaces. The applicant is unable to provide any spaces.
3. The applicant intends to maintain the structure as a mixed use building by retaining the two (2) existing apartments on the third (3rd) floor and creating four (4) offices, two (2) on the first and two (2) on the second floors, occupying 7,000 square feet.
4. Curb parking is limited in the immediate area of the property, but there are approximately two-hundred commercial parking spaces in close proximity to the building.
5. The area of the subject property is 4,067 square feet, of which all but a small portion is occupied by the existing structure.
6. The Dupont Circle Citizens Association and the North Dupont Community Association, by testimony presented at the hearing, opposed the application on the grounds that no hardship could be demonstrated and that there would be an adverse impact on parking in the area.

7. The Municipal Planning Office by report dated May 12, 1977 and by testimony at the hearing recommend that the application be approved. The MPO stated "It is not anticipated that approval of this application will either adversely effect the surrounding neighborhood or impair the intent, purpose and integrity of the Zoning Regulations and Maps."

8. The advisory Neighborhood Commission, by testimony presented at the hearing, opposed the application on the grounds that parking in the area is limited and the property should be used for residential purposes.

CONCLUSIONS OF LAW:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the use is permitted as a matter-of-right, that the building occupies close to 100 per cent of the lot and that there is no reasonable way in which the required parking could be provided. The Board concludes that these factors do constitute a practical difficulty for the applicant.

The Board concludes that public parking in the area does exist, both on and off-street and that while there is competition among businesses and residents for that parking, it would be unreasonable to deny this application on that basis, since this application would generate only a very small number of automobiles. The Board therefore concludes that the application is within the intent and purposes of the Zoning Regulations and hereby ORDERS the GRANTING of this application.

VOTE: 3-1 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT, Lilla Burt Cummings to DENY).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

*Steven E. Sher*  
STEVEN E. SHER  
Executive Director

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.

FINAL DATE OF ORDER: 1 AUG 1977