GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12416 of Fay S. Stevenson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to permit office of a non-profit organization (D. C. Chapter of the Heart Association) in the R-5-B District at 2101 "R" Street, N. W. (Square 65, Lots 9 and 28).

HEARING DATE: May 17, 1977
DECISION DATE: June 7, 1977 (Executive Session)

FINDINGS OF FACT:

1. The subject property, located at the northwest corner of 21st and "R" Streets, N. W., contains 4,920 square feet of land area and is improved with a large masonry building of 9,000 square feet containing approximately 25 or 30 rooms.

2. The property is located in the R-5-B Zoning District.

3. At present the property is rented by a religious organization and is occupied for residential purposes, as well as a meeting place.

4. The applicant, the D. C. Chapter of the Heart Association, has a contract to purchase the subject property conditioned on the granting of the application by the Board.

5. The applicant intends to use the property as offices for the Heart Association and to permit other office use by organizations of similar related goals and objectives. This would include office space for representatives of the American Heart Association and the D. C. Lung Association. Such use in an R-5-B District is not permitted under the regulations without a use variance from the Board of Zoning Adjustment.

6. The applicant's staff will consist of 14 full time persons working from 9:00 a.m., to 5:00 p.m., weekdays, five to six part-time staff and approximately fifteen volunteers, working from 9:30 a.m. to 4:30 p.m.

7. Instructional activities and Board and Committee meetings will also be held on the premises.

8. On certain occasions there will be as many as 35 people using the offices of the Heart Association.

9. The subject premises contains five parking spaces.

10. The applicant contends that the subject property is no longer suitable for use as a single family residence, a boarding house, apartment house, clinic, convalescent home, private club, museum, personal care home or any other permitted use in the R-5-B District. The applicant further contends that if the owner were to attempt to utilize the property for one of the purposes permitted in the R-5-B District, she would incur a substantial expense due to the necessity of remodeling and reconstructing the building. This would create an undue hardship upon the owner.

11. The property was purchased by the owners in 1956 and was operated as a medical clinic with other physicians and attendants. In September 1963 the property was leased to the Patricia Stevens' School of Modeling who occupied the premises until June of 1973. The present tenants have been renting the property since 1973. The property has been on the market for sale since July 1973.

12. There has been at least one offer made to purchase the property since the property has been on the market. The prospective purchaser would have used the property for an R-5-B purpose. The offer was rejected by the owner because the price was too low and the terms of the offer were not otherwise acceptable.

13. The applicant submitted testimony of a contractor and real estate agent regarding the possibility of renovating the building for residential use. The Board finds nothing in the testimony which would indicate that such renovation would be impossible. The subject property is located in an area where there has been substantial residential rehabilitation in recent years.

14. The Advisory Neighborhood Commission 2B, the North Dupont Community Association, the Dupont Circle Citizens Association and other residents of the area opposed the application on the grounds that the property is usable for a use permitted in the R-5-B and in fact is rented as a residence, that the hardship is not related

to the uniqueness of the property, that the proposed use would create traffic and noise problems, and that while on the market, the price was excessive.

CONCLUSIONS OF LAW:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of a hardship due to the unique circumstances peculiar to the subject property. Based on the record the Board concludes that there is no evidence to establish that the subject property cannot be used for the purposes for which it is zoned. In fact, the property is being used for an R-5-B purpose at present. The Board further concludes that to grant the variance sought could result in substantial detriment to the public good and would substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map by setting a precedent for conversion of other residential properties to non-residential use. Accordingly, it is ORDERED that this application is DENIED.

VOTE:

4-0 (William F. McIntosh, Charles R. Norris, Leonard L. McCants and Lilla Burt Cummings, Esq., by proxy)

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 SEP 1977