GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12442 of B.C.H.G. Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception to change a non-conforming use from a chancery to law offices (Sub-section 7104.2). The property is in the R-5-B District at 2437 - 15th Street, N.W., (Square 2662, Lots 827, 844, 845, 846 and 852).

HEARING DATE: June 28, 1977
DECISION DATE: September 7, 1977

FINDINGS OF FACT:

1. The subject property is located at 2437 - 15th Street, N.W., in an R-5-B District.

2. The property is improved with a four story building containing 17,000 gross square feet.

3. The subject building was used as a chancery by the Government of the Peoples Republic of Hungary from 1953 until recently. It is now vacant.

4. The subject building faces Meridian Hill Park between Euclid and Chapin Streets, N.W. The frontage of 15th Street facing Meridian Hill Park is developed by large buildings having residential, professional offices and chancery uses.

5. Applicant's tenant proposes to use the first floor and part of the second floor for law offices and the remaining portion of the building will be used for residential apartments. There will be one apartment on the second floor and two apartments on the third floor.

6. Applicant seeks the Board's permission for a change of non-conforming use from a chancery to law offices and apartments.

7. The law office will initially be composed of three attorneys and one secretary. The estimated number of clients visiting the office in one business day would be an average of five. The hours of operation for the law office will be essentially 9:00 A.M., to 5:00 P.M.

8. The Zoning Administrator has determined that the chancery use at the subject premises is a non-conforming chancery use in an R-5-B zone.

9. A chancery use is first permitted in the SP District as a matter-of-right in buildings constructed prior to May 12, 1958.

10. Law offices are first permitted in the SP District as a matter-of-right in buildings constructed prior to May 12, 1958.

11. The apartment uses are permitted as a matter-of-right in an R-5-B District.

12. No structural alterations internal or external,are contemplated for the structure.

13. The tenant intends to provide a small brass sign on the exterior of the building similar to that used for other uses in the area.

14. There are approximately twenty parking spaces available at the rear of the building. The regulations require three off-street parking spaces.

15. Applicant testified that the proposed use of law offices and apartments is essentially a neighborhood facility since the apartment uses as residents of the neighborhood became part of the neighborhood. Additionally, the law offices will engage in a general, local practice serving the neighborhood as well as a broader clientele.

16. The subject square as well as surrounding squares are mixed in use containing chancery office and institutional uses as well as multi-family apartments. The area is in close aproximity to both the Central Employment area and metro. The proposed use will provide housing and local legal offices, where few legal offices now exist.

17. The proposed use will be less intense than that of the former chancery considering that there will be fewer vehicular and pedestrian trips. The attorneys will use metro and taxi almost exclusively for their intown trips.

18. Since the proposed use does not involve use outside the existing building, there will be no need for special screening or protective measures to be imposed by the Board.

19. The proposed change in the non-conforming use is similar in nature to the law offices located in the same block at 2401 - 15th Street, N.W. By BZA Order No. 10115, dated May 14. 1970, the Board granted a change in non-conforming use from chancery use by the Government of Italy to law offices.

20. The Municipal Planning Office, by report dated June 23, 1977, recommended that the application be approved.

21. There was no opposition to the application.

CONCLUSIONS OF LAW:

Pursuant to Subsection 7104.2, a Class II non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted. As confirmed by the Chief of the Zoning Review Branch of the Department of Housing and Community Development, the chancery use at 2437 - 15th Street, N.W., is a non-conforming chancery use in an R-5-B zone. A chancery is first permitted as a matter-of-right in the SP zoning district in buildings constructed prior to 1958. Consequently, the chancery non-conforming use as existing is an SP use. The proposed use of law offices is also an SP use as a matter-of-right in buildings constructed prior to 1958. The proposed apartment use as an R-5-B use, which is a more restrictive use than the SP use and is permitted as a matter-of-right. Accordingly, the Board concludes that the proposed use is permitted in the most restrictive district in which the previous use is permitted, and that the application thus meets the requirements of Sub-section 7104.2.

The Board further concludes that applicant meets the provisions of Section 7109 in that the proposed use will be essentially a neighborhood facility and in any event will not be the type of use which would be objectionable to the neighborhood, that the proposed use will not adversely affect the present character of the neighborhood as the proposed use is a less intensive use than the prior use as a chancery and also, the proposed use is compatible with the mixed nature of other uses in the area. The Board concludes that even though the proposed use not strictly speaking commercial, it will be conducted in accordance with the requirements of the external effects for the C-M District set forth in Sub-section 6106.6 of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-2 (Charles R. Norris, and Leonard L. McCants, to GRANT, Walter B. Lewis to GRANT by proxy, William F. McIntosh and Chloethiel Woodard Smith to DENY).

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

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

FINAL DATE OF ORDER: 18 OCT 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.