

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12513 of David G. Harris, pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the prohibition against enlarging a structure devoted to a non-conforming use (Sub-section 7107.1), from the prohibition against making structural alterations to a structure devoted to a non-conforming use (Sub-paragraph 7106.11a), from the rear yard requirements (Sub-section 3304.1) and from the lot occupancy requirements (Sub-section 3303.1) to permit an addition to a health club in the R-5-D District at the premises 413 L Street, N. W., (Square N-515, Lot 804).

HEARING DATE: October 25, 1977  
DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located in an R-5-D Zone District at 413 "L" Street, N. W. Prior to December 1972, the property was zoned C-3-B. The change to R-5-D was made as part of the rezoning of the entire Mr. Vernon Square East area, by Z. C. Order No. 58.
2. The subject property is presently used as a health club. The applicant proposes the continuation of this facility as such.
3. The existing structure currently occupies eighty-five per cent of the lot. The applicant proposes a one story addition at the rear of the property to be used in conjunction with the health club. This addition would occupy the lot 100 per cent.
4. The R-5-D District limits lot occupancy to seventy-five per cent and requires a minimum rear yard of twelve feet. The applicant currently has provided a 12'6" rear yard. The proposed addition would eliminate a rear yard entirely. The applicant has indicated that the addition is desired to accommodate business needs.
5. A health club is first permitted as a matter-of-right in a C-2 District.
6. The subject property is located in the Mount Vernon East section of the downtown urban renewal area.

The D. C. Department of Housing and Community Development expects construction to begin shortly on the first phase of a project of low and moderate income on the Old Wax Museum site, immediately across "L" Street from the subject site.

7. The subject property is surrounded by a mixed development.

8. The Municipal Planning Office by report dated October 21, 1977 recommended denial of this application on the grounds the increase in intensity of a non-conforming use, and the alteration of the structure into a non-conforming structure would not be in harmony with the future plans for this residential area.

9. There was no Advisory Neighborhood Commission report on this application.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that the granting of the requested variances to expand a non-conforming use would not be in keeping with the spirit and intent of the Zoning Regulations concerning non-conforming uses. The Board concludes that the Zoning Commission had full knowledge of the existing commercial uses in the area when it rezoned the area from C-3-B to R-5-D. The Board concludes that the granting of these variances would be contrary to the intent of the Zoning Commission in establishing R-5-D residential zoning for the area and in terminating the prior existing commercial zoning. The Board notes that the subject property lies within the Mt. Vernon Square East portion of the Downtown Urban Renewal Area, and that the D. C. Department of Housing and Community Development expects to begin construction of new residential units on a portion of this area soon. The Board therefore concludes that the enlargement of this non-conforming use would have an adverse impact on surrounding property. It is therefore ORDERED that this application is hereby DENIED.

VOTE: 4-1 (William F. McIntosh, Walter B. Lewis, Leonard L. McCants and Charles R. Norris to deny, Chloethiel Woodard Smith to grant).

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

ATTESTED By:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 2 DEC 1977