

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12529 of United Unions, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for an amendment to the Board's previous Order No. 10470 and a variance from the use provision (Section 4101) to permit the relocation of a branch bank to the New York Avenue lobby floor in the SP District at the premises 1750 New York Avenue, N.W., (Square 171, Lot 33).

HEARING DATE: December 13, 1977
DECISION DATE: January 4, 1977

FINDINGS OF FACT:

1. The subject property is located at the intersection of 18th Street, New York Avenue and E Street, at 1750 New York Avenue, N. W. and is in an SP District.

2. By BZA Order No. 10740, dated July 9, 1971, the Board conditionally granted the applicant a variance from the use provisions of the SP District to provide banking facilities to serve the occupants of the United Union Headquarters Building. The Board further granted a variance from the word "customarily" as contained in Paragraph 4101.52 of the Zoning Regulations. By BZA Order No. 10740, dated July 22, 1971, the July 9, 1971 Order was amended as to Condition "O" and Condition "N" to read "No teller shall be provided by the bank for the general public. That such services shall be limited to the Unions occupying said building." and "The location of the banking facilities shall be on the second floor as outlined on Exhibit No. 2, Page A-20, marked in red and initialled by the Secretary of the Board."

3. The subject site is 31,300 square feet in area and is improved with a nine-story office building which contains an interior floor space of 171,000 square feet. The building is set back 57.5 feet from the curb line along New York Avenue where the main entrance is located.

4. The surrounding area is comprised predominantly of governmental and private office buildings. There are other commercial banks serving the general area, but none are located in the immediate vicinity of the subject site.

5. The applicant requests permission to relocate the banking operation of National Security and Trust Company from the second floor to the lobby floor (New York Avenue side). The second floor operation has a total floor space of 1,337 square feet, three teller windows, a small safety deposit facility and approximately five employees.

The proposed operation for the lobby floor would have a total floor area of 1,550 square feet (213 square foot increase), five teller windows (increase of two windows) five employees, and a twice-as-large safe deposit facility. The hours of operation would remain the same (9:00 a.m. to 4:00 p.m., Monday thru Friday). In addition, the application requests that the bank be permitted to change its present operations to provide services on an unsolicited basis to occupants of nearby buildings and to provide a small card-operated money dispensing machine on the lobby floor within the building. The Board finds that the effect of these changes is to change the character of the use and expand it beyond what would be accessory to the United Unions principal use.

6. Current banking operations and customers disrupt the business operations of the tenants of the second floor - the International Association of Fire Fighters (IAFF). In addition, there is evidence that the IAFF needs more space to accommodate its operations.

7. Present vault and safekeeping facilities on the second floor have become inadequate to serve the five tenant unions. Moreover, the weight bearing capacity on the lobby floor can accommodate a larger vault which would alleviate the need for the frequent transporting of documents to National Security and Trust's main office at 15th and New York Avenue.

8. Total enclosure of the bank on the second floor makes it highly vulnerable to bank robberies because it is not visible to cruising policemen.

9. Commercial banks are prohibited in SP Districts and are first permitted in commercial districts.

10. The Municipal Planning Office, by report dated December 7, 1977 and by testimony at the hearing, recommended that the application be denied except for that part which requests relocation of the branch bank to the lobby floor. The Municipal Planning Office report states in part and the Board finds that "The enlargement of the originally approved accessory use to a commercial use serving an indefinite clientele would appear to undermine and circumvent the intent and purposes of the provision governing accessory incidental uses in SP Districts found in Sections 4101.5-4101.52 of the Regulations."

11. There was no report from Advisory Neighborhood Commission 2A.

CONCLUSIONS OF LAW:

Based upon the record the Board concludes that the proposed relocation, in conjunction with the expansion of services requested, over an extended period of time, will result in a commercial banking operation at the subject location which would serve the surrounding office area regardless of the fact that the facility would operate on an unsolicited basis without any designation by signs. The Board further concludes that the banking facilities were approved at the subject location as an accessory use with a variance from the word "customarily incidental" because of the unique but incidental needs that the tenant unions had for banking services. These types of services were necessary to assist in the management of the tenant unions' pensions and welfare funds and to provide related money management services. The enlargement of the originally approved accessory use to a commercial use serving an indefinite clientele would undermine and circumvent the intent and purposes of the provisions governing accessory incidental uses in SP Districts.

The Board concludes that the issues of needed space on the second floor, the alleviation of office disruption on the second floor, a larger vault and higher visibility to cruising police can be resolved by simply relocating the bank to the first floor. The Prior BZA Orders as aforementioned could thus remain intact except for an amendment to condition "n". The intent and purpose of the SP District would thus be maintained. Accordingly, it is ORDERED that the application to relocate the bank to the lobby floor is GRANTED subject to the CONDITION that all the restrictions contained in Conditions "a" through "p" with the exception of Condition "n" of prior BZA Order No. 10740, dated July 9, 1971, amended July 22, 1971, shall be continued.

VOTE:

3-1 (Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant, William F. McIntosh to deny)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 FEB 1978

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.