

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12674 of the Washington Hospital Center, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Paragraph 3105.54) to permit a branch office of a bank on the Washington Hospital Center Campus, first floor, School of Nursing, in the R-5-A District at the premises 110 Irving Street, N. W., (Square 3129, Lot 2).

HEARING DATE: September 20, 1978

DECISION DATE: December 6, 1978

FINAL DATE OF ORDER: January 5, 1979

DISPOSITION: The Board DENIED this application by a vote of 3-1 (William F. McIntosh, Walter B. Lewis and Leonard L. McCants to deny, Chloethiel Woodard Smith opposed, Charles R. Norris not voting).

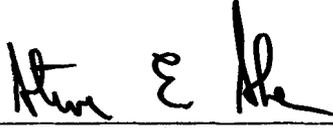
O R D E R

Section 5.45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment requires that a motion for reconsideration must be carried by four affirmative votes. Upon consideration of the applicant's Motion for Rehearing and Reconsideration dated January 16, 1979, a motion by Chloethiel Woodard Smith, seconded by Charles R. Norris to rehear and reconsider the application failed for lack of four affirmative votes by a vote of 3-2 (Chloethiel Woodard Smith, Charles R. Norris and Theodore F. Mariani to rehear and reconsider, Leonard L. McCants and William F. McIntosh opposed)

DECISION DATE: February 28, 1979

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:

26 MAR 1979

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12674, of the Washington Hospital Center, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Paragraph 3105.54) to permit a branch office of bank on the Washington Hospital Center Campus, first floor, School of Nursing, in the R-5-A District at the premises 110 Irving Street, N.W. (Square 3129, Lot 2).

HEARING DATE: September 20, 1978  
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FINDINGS OF FACT:

1. The subject campus site is a forty-seven acre site located on the west side of First Street, N.W., is bounded by Irving Street on the north, and Michigan Avenue on the south in the R-5-A District and is known as 110 Irving Street, N.W.

2. The campus site consists of the main building in the Washington Hospital Center, Childrens Hospital, the George Hyman Research Center, a physicians office building and the school of nursing.

3. The applicant proposes to establish on the lobby floor of the school of nursing building, a branch office of the American Security and Trust Company.

4. The proposed bank will contain 1,200 square feet of the existing student lounge and the lobby floor will be partitioned off to accommodate the facility.

5. The facility will contain two teller booths and four employees. The hours of operation will be from 9:a.m. to 3:p.m. Monday through Thursday, and from 9:a.m. to 5:p.m. on Friday. There will also be two automatic teller machines to provide twenty-four hour banking services. While intended primarily for employees, patients and customers of the Hospital Center, the bank would be open at all times to the public at large.

6. The applicant testified that the bank was requested to serve the needs of Hospital employees, who work shifts at off hours and who are not now conveniently served by a bank. The nearest banks are presently located on Georgia Avenue, N.W., and 12th Street, N.E. The provision of the bank was also intended to relieve the Hospital itself from performing some of the services which a bank would normally perform, primarily including check cashing. The bank would also provide rental Income to the Hospital Center to help defray a budget deficit currently being accumulated by the School of Nursing.

7. The Hospital has a credit union which performs some of the services which the bank would offer. The cashiers section of the Finance Department also provides some of the services which a bank might offer.

8. The applicant presented no evidence to show that there is any exceptional or extraordinary condition of the particular property at issue which would qualify it for a variance. The applicant further presented no evidence of any hardship which it as the owner would incur if the application were denied.

9. The applicant is presently making reasonable use of the property as a hospital and associated accessory use.

10. Commercial banks are not permitted in the R-5-A District, where single and multi-family residential uses are intended. Banks are first permitted in the C-1 District.

11. There are no residential uses existing or planned on the forty-seven acre campus, except dormitory facilities which serve the school of nursing. However, hospitals and related accessory facilities are permitted as a matter-of-right in the R-5-A District.

12. The Municipal Planning Office by report dated September 13, 1978, recommended the approval of the application. The MPO was of the opinion that given the absence of residential neighborhoods in the vicinity, it is unlikely that approval of the application will be of detriment to the public good or integrity of the R-5-A District.

13. Advisory Neighborhood Commission 4D was advised of the application. No report or recommendation was received.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of an undue hardship upon the owner of the property. It is the opinion of the Board that the applicant has failed to establish any hardship that would result from the denial of the requested use for this peice of property.

The Board concludes that the proposed use is not an accessory use, since it will not be limited only to the hospital community but will service the needs of the surrounding community as well and will be open to the public at large.

The use will be a commercial branch bank, in a residential zone. The convenience of the hospital's employees is not a sufficient basis for the granting of a use variance.

The Board notes the report of the Municipal Planning Office, and concurs that the use will probably not have any adverse affect on surrounding property. However, the MPO did not address the major part of the variance clause, which requires the applicant to establish an undue hardship related to the property itself.

The Board concludes that the application is not within the intent and purpose of the Zoning Regulations and that granting the application on the grounds set forth by the applicant is unwarranted. It is therefore ORDERED that the application is DENIED.

VOTE: 3-1 (William F. McIntosh, Walter B. Lewis and Leonard L. McCants to DENY, Chloethiel Woodard Smith opposed, Charles R. Norris not voting).

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

ATTESTED BY: Steven E. Sher by B. J. [unclear]  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 1/5/99