

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12751, of Woman's Christian Temperance Union of the District of Columbia, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to use the first floor and part of the second floors as a headquarters in the R-4 District at the premises 208 A Street, N.E. (Square 758, Lot 806).

HEARING DATE: September 20, 1978
DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject site is located on the north side of "A" Street between 2nd and 3rd Streets, N.E., in the R-4 District and is known as 208 "A" Street, N.E.

2. The subject site is 2,436 square feet in area and is improved with a two story building containing seven rooms.

3. Adjoining the building to the east is a two story row dwelling, two semi-detached dwellings, a fifteen foot alley and a parking lot used by employees of the Supreme Court. To the west is a three story apartment building.

4. The applicant proposes to use the first floor and part of the second floor as the office for the local chapter of the National Woman's Christian Temperance Union. The remainder of the second floor will be used as a residence for the local director of the organization and her husband.

5. The National Woman's Temperance Union was formed in 1874, and is a non-profit organization whose primary purpose is to discourage the use of alcohol and drugs among youths, ages five through eighteen.

6. The local chapter performs its city-wide functions by disseminating information on alcohol and drug abuse in area schools and churches. Members of the organization conduct meetings on the subject premises only one Sunday per month from 2:00 P.M. to 6:00 P.M. No more than twenty members are present at any one time on the subject premises; larger meetings are held in churches.

7. The last Certificate of Occupancy that was issued for the property was in 1949 for a rooming house.

8. Although there is no Certificate of Occupancy on record, the applicant has owned and operated the subject premises as the organization's headquarters in the manner described above since 1954.

9. The only evidence of office use of the premises is a typewriter and a telephone. These items are also used for the personal needs of the residents of the building.

10. The Municipal Planning Office, by report dated September 13, 1978, recommended that the application be approved. The Municipal Planning Office reported that the operation has been in existence for the past twenty-four years and the building is actually used for negligible office use (one Sunday per month). Objectionable impacts to the surrounding area have not been reported and are not anticipated. Approval of the application would not be detrimental to the public good or the integrity of the R-4 District. The Board so finds.

11. The abutting property owners submitted a letter in support of the application. The abutting property owners stated that the persons who are the caretakers of the property have consistently been highly responsible, considerate people who have maintained the property in good condition and there is less noise and traffic than might normally occur if the property were used solely as a residence. The Board so finds.

12. Advisory Neighborhood Commission 6B, was opposed to the application on the grounds that the W.C.T.U. has failed to establish an undue hardship which is the basis for granting a use variance.

13. The Capitol Hill Restoration Society, Stanton Park Neighborhood Association, Capital Hill Southeast Citizen Associations and other concerned citizens submitted letters in opposition to the application on the grounds that the property is presently residential in use and has remained residential for years and that the granting of a use variance would establish a precedent that would inhibit further residential development in the area.

14. The Board is required to give great weight to the concerns raised by the ANC, other similar neighborhood civic organizations and concerned citizens. As to those issues and concerns, the Board makes the following findings:

- a. Each case must be judged on the specific set of facts presented. The Board is not inclined to accept the position that no variances should be granted in an area without giving due regard to extraordinary or exceptional situations or conditions of a specific peice of property. The Board finds that the specific circumstances presented here are distinguished from what would normally be described as office use.
 - b. The Board concurs in the position of the ANC that the granting of a use variance normally requires the establishment of an undue hardship. However, the Board finds that the primary use of the subject premises is as a residence. The Board also finds that the above use has existed for twenty-four years, and the use of the property for monthly meetings of not more than twenty members will not adversely affect the neighborhood. The Board finds that the office use as described is more in the nature of an accessory use than a principal office use, that the previous and proposed use of the property would be similar to a private individual doing volunteer work for a charitable or non-profit organization and that there is associated with the use none of the objectionable characteristics of office use which might normally be found in office uses in residential areas.
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CONCLUSIONS OF LAW AND OPINION:

Based upon the record and the findings of fact, the Board concludes that the primary use of the subject site is residential in nature. The Board also concludes that the one typewriter and two telephone lines which constitute the only evidence of office use service both the residential needs of the applicant as well as the needs of W.C.T.U. The Board concludes that although a use variance has been applied for and technically may be required the use is really in the nature of an accessory use, subordinate and incidental to the main use of the building as a dwelling.

As such, the Board concludes that the application is of minimal consequence, that monthly four hour meetings will not adversely impact upon surrounding neighborhood and community and that the application can be granted without substantial detriment to neighboring property owners. Accordingly, it is ORDERED that the application is GRANTED subject to the condition that approval is limited only to the present applicant and that the use of the premises in the future shall not be changed from the present nature of the use.

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

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

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

FINAL DATE OF ORDER: 19 JAN 1979

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.