

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12844, of Clement C. Alpert, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to allow the use of the second, third, fourth and basement floors of the subject premises as an office for the National Association of Retired Federal Employees and pursuant to Paragraph 8207.11 for a variance from the parking requirements (Sub-section 7202.1) in the SP-2 District at the premises 1531 New Hampshire Avenue, N.W. (Square 136, Lot 806).

HEARING DATE: March 14, 1979
DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject property is located at a distance of approximately one block from Dupont Circle on the west side of New Hampshire Avenue, south of its intersection with 18th and Q Streets, N.W. It is known as 1531 New Hampshire Avenue, N.W. and is in an SP-2 District. The property is a through lot, which also has frontage on 18th Street, N.W.

2. The applicant showed slides of the immediate neighborhood demonstrating that the immediate area in which the subject building, a row house type structure, is located is characterized predominately by row houses and some large apartment buildings. Many of the row houses have been converted to office use. Among the buildings in the immediate area are the Dupont Plaza Hotel, the National Association of Retired Employees office building, the Women's Democratic Club building, the Phi Beta Kappa building, the Argentine Embassy, the National Planning Association building, Mathematical Association of America building, the Owl School, the Washington School for Psychiatry, the Masonic building, the Environmental Defense Fund building, the Imperial House apartment building and the Dupont East Apartment building. The entire square in which the property is located, aside from the subject site, is already devoted to SP type uses, including offices, private clubs, embassies and other uses.

3. The subject building has been designated by the National Register of Historic Places as contributing to the historic significance of the Dupont Circle Historic District.

4. The first floor of the subject premises has been used for the professional offices of the applicant, a dentist, since 1966. The basement, second, third and fourth floors contain apartments with five leaseholds and seven persons. All tenancies will terminate in 1979 either through expiration of leases or month to month tenancies termination. The subject property is the only improvement on the immediate block that provides residential rental accommodations. The improvement was constructed about 1890. It occupies almost 100 per cent of the lot.

5. The subject property is located immediately to the south of the building occupied by the National Association of Retired Employees, hereinafter referred to as NARFE. The NARFE is a contingent lease of the subject premises. NARFE has proposed to convert the basement, second, third and fourth floors of the subject property for its office use, including conference rooms and storage of historical data.

6. NARFE will make no changes to the exterior structure of the subject building. Internal alterations will be limited.

7. NARFE is a non-profit organization. It has an enrollment of over 30,000 persons. It has a staff of fifty-eight full time employees and thirteen part-time employees. It contemplates that in a few years it will reach a full employment of eighty persons, an increase of nine persons over the present staff.

8. NARFE has a parking lot adjacent to its present location, at the corner of New Hampshire Avenue and 18th Street which accommodates nine cars. These parking spaces will serve the existing and also the proposed office faculties.

9. Four spaces of the parking lot are reserved for the officers of NARFE. The lot is also used for off-street loading for any daily deliveries to NARFE.

10. The Dupont Circle Metro station is located approximately two blocks from the subject property. A complex bus system also intersects Dupont Circle and provides excellent access to the area by mass transit from many portions of the city and suburbs.

11. NARFE testified that most of its employees use the subway, bus, carpools or walk as their means of transportation, that its daily activities do not include many visits to its office and that it relies mainly on mailing to and from its constituent members. The Board so finds.

12. The applicant rents two spaces in the area for his patients. He testified that some of his patients walk or use the bus to his office. The Board so finds.

13. NARFE testified that it does not anticipate any additional spaces other than what it already has. It will not hire employees who must use cars to get to work. The Board so finds.

14. The Office of Planning and Development, by report dated January 11, 1979, recommended that the application be approved on the grounds that the proposed conversion of the subject property to a non-profit office use would have no adverse impact on the surrounding area and the proposed use of the building will be consistent with the SP-2 District. The Board so finds.

15. The applicant submitted petitions from the owners and tenants of neighboring properties in support of the application.

16. The Dupont Circle Citizens Association opposed the application on the grounds that to grant it would decrease residential housing facilities in the neighborhood and that the applicant failed to prove that he can't use the property for residential purposes without incurring a hardship.

17. Advisory Neighborhood Commission 2B, opposed the application on the grounds that to grant it would turn this entire subject block into office use which is contrary to the purpose of the SP District which is to act as a buffer zone between the commercial and residential uses and not to serve residential housing. The ANC also argued that an entire building is not needed for nine persons and that nine more employees would create parking problems.

18. By statute, the Board is required to give great weight to the issues and concerns of the ANC. In addressing these issues, as well as those raised by the DCCA, the Board finds as follows:

- a. The Findings of Fact and the Conclusions of Law, hereinafter stated, find that the applicant has met its burden of proof and met the requirements of Paragraph 4101.44 of the Zoning Regulations.

- b. Sub-section 4101.1 of the Zoning Regulations does not preclude office buildings. The major purpose of the SP District is to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale and design with the transitional function of this zone district. In the subject application, as hereinafter concluded, the proposed building is compatible with other neighborhood uses and structures. In addition, a building of architectural merit is being preserved and protected.
- c. The relief the applicant is seeking does not require a showing of a hardship. Under the special exception, he must show compliance with Paragraph 4101.44. For the area variance, hereinafter discussed in the Conclusions of Law, he must show a practical difficulty inherent in the property itself.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.44 in that the proposed use is for a non-profit organization, and such use is in harmony with existing uses on neighboring property. The Board concludes that the use would be included in a row structure, which type is common to the neighborhood and there will be no changes to the exterior structure. The lessee, NARFE, has ample parking facilities and the subject property is served very well by bus and subway so that no dangerous or other objectionable traffic conditions are anticipated. The Board further concludes that the special exception can be granted as in harmony with the general intent and purpose of the Zoning Regulations and will create no adverse affect on the use of neighboring property.

As to the variance from the parking requirements, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty in the property itself. The Board notes that the subject improvement was built in 1890 and occupies ninety per cent of the lot.

The building is also of historic character and contributes to the Dupont Circle Historic District. It cannot be altered to provide one space nor is there any room on the lot to provide one space. The practical difficulty stems from the property itself. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that it has addressed the issues and concerns of the ANC in Finding-of-Fact number eighteen, and that it has thus accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-1 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to GRANT, Charles R. Norris 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: 3 MAY 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.