

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12890 of Annetta S. Hill, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3102) to use the first floor of the subject premises as a real estate office in an R-2 District at the premises 925 Monroe Street, N.E., (Square 3829, Lot 12).

HEARING DATE: March 14, 1979  
DECISION DATE: May 7, 1979

FINDINGS OF FACT:

1. The subject property is located in the R-2 District at the southwest corner of the intersection of Monroe and 10th Street, N.E.
2. The lot has fifty feet of frontage on 10th and 100 feet on Monroe Street. The lot is rectangular in shape and topographically flat.
3. The subject site is presently improved with a two story plus basement detached building.
4. The building is currently vacant, and has been so for at least six months. Prior to the vacancy, the last use of the premises was for a single family dwelling, a conforming use permitted as a matter-of-right in the R-2 District.
5. The building is under contract of sale to the Building Game, Ltd., a construction and real estate firm in the District of Columbia.
6. The contract purchaser proposes to use the first floor of the subject premises as an office for its renovation activities, which would also include design, property management and real estate sales activities. The basement of the building would be for future expansion of the office activities. The second floor would comprise a two bedroom apartment.
7. The property is bordered on the west by vacant land, followed by two non-conforming commercial uses in the R-2 District. Further to the west, across 9th Street are a group of single family dwellings in the C-M-1 District. Abutting the property to the south is a single family detached dwelling.

Further south are additional single family dwellings on 10th Street. Directly across Monroe Street to the north is the Brooks Mansion. To the west of the Brooks Mansion is the Brookland Metro Station and supporting facilities, including bus parking and loading areas. To the east across 10th Street is the former Brookland Elementary School which now houses the D. C. Street Academy. To the east along the north side of Monroe Street and to the north along the east side of 10th Street are additional detached single family dwellings.

8. In support of the requested variance, the contract purchaser argued that commercial use of the first floor is appropriate for the following reasons:

- a. The property fronts on the corner of 10th & Monroe Streets. Monroe is a major east-west auto and bus artery serving the Catholic University area to the west and the Michigan Park and Brookland areas to the east. There is a busy bus stop directly in front of the building, about twelve feet from the exterior wall. The present street traffic volume is not in keeping with continued full residential use of the property.
- b. The vacant land immediately to the west is zoned C-M-1, heavy industrial. This was, in fact, the zoning of the property prior to World War II.
- c. The property is the first one on Monroe to the east of the Brookland Metro Station and bus turn-around area.
- d. The property is located one block from the main commercial shopping strip for the Brookland area, 12th Street.
- e. Directly across 10th Street, from the property is the former Brookland School, now housing the D. C. Street Academy. This use lends a commercial-like usage pattern to the immediate area.
- f. The existing area for off-street parking on the property and the driveway cuts to the property on Monroe Street are adequate for the office and residential use intended. No parking or increased traffic problems will result from the variance in use.

- g. Directly across the Monroe Street Bridge from the property there is an intense commercial usage which includes a motel and restaurant--about 500 yards away.
- h. The planned exterior renovation, which involves no expansion of the present building, will significantly enhance the appearance of that corner landscaping, chemically cleaned natural brick, shutters and repair of decrepit asbestos shingle outcropping on the original 1910 structure.

9. The Board finds that the reasons relied on by the applicant are not sufficient to justify a use variance. To the north, east and south of this site on both Monroe and 10th Streets there are existing detached single family dwellings. There are also houses located through the District of Columbia adjacent to bus stops. Proximity to industrial or commercial zones or other non-residential uses does not qualify a property for a variance. In fact, the predominant land use in the immediate vicinity of the site is residential. In addition, the planned renovation would accommodate residential use as well as commercial use.

10. In addition to the specific reasons cited in Finding of Fact No. 8, the contract purchaser also argued generally that it was not economically feasible to renovate the building and then use it for single family purposes. The contract purchaser presented no information to support that position.

11. The contract purchaser presented no evidence that the property could not reasonably be used for a purpose permitted in the R-2 District.

12. The Office of Planning and Development, by memorandum dated March 7, 1979 and by testimony at the hearing, recommended that the application be denied. The Office of Planning and Development reported in part:

The property in this case does not exhibit any extraordinary or unique conditions within the meaning of Sub-section 8207.11 which would warrant the granting of a use variance. On the other hand, the property meets or exceeds the present requirements of the R-2 District for which it is zoned and there is no reason why the property can't be utilized as permitted by the R-2 zoning. In effect what the applicant proposes would constitute a rezoning of the property which would be inconsistent with the intent and purpose of the Zoning Regulations and Map.

The Board so finds.

13. There were no persons appearing in support of or opposition to the application.

14. There was no report from Advisory Neighborhood Commission 5A.

15. At the close of the hearing, the contract purchaser requested the Board to leave the record open to allow for the submission of neighborhood and civic support of the application. The Board agreed to do so, and also extended that period for an additional length of time at the request of the contract purchaser. No additional information was ever submitted. The Board decided the case based on the record as it existed at the close of the hearing.

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 arising out of some exceptional or unique condition of the property. The Board concludes that the applicant has demonstrated nothing unusual about the site itself, and has presented no evidence that strict application of the Regulations would constitute a hardship upon the owner. The Board notes that the last previous use of the property was for a conforming single family dwelling and no evidence has been presented to show that the property reasonably cannot be used for a purpose permitted in the R-2 District. The Board therefore concludes that to permit office use of the premises would be contrary to the intent and purposes of the Zoning Regulations and would be of substantial detriment to the public good. It is therefore ORDERED that the application is DENIED.

VOTE:

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

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

ATTESTED By:

Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 9 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT"