

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 12892, of Michael Klein, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to use part of the subject premises as an architect's office in a R-5-B District at the premises 2011 R Street, N. W., (Square 92, Lot 801).

HEARING DATE: March 21, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-5-D District on the north side of "R" Street between Connecticut Avenue and 21st Street, N. W.

2. The subject property is improved with a three story plus basement row structure. There are three apartments in the building, two in the basement and one which comprises the upper three floors of the building.

3. The applicant has leased the entire premises to Roy Mason, an architect, who proposes to use part of the first and second floors for his office.

4. The hours of the office would be from 9:00 A.M. to 5:00 P.M., Monday through Friday. In addition to Mr. Mason, the occupants of the office would include a full time secretary and a part-time draftsman.

5. No physical changes to the building have been or would be made in order to accommodate the proposed office use.

6. There is no evidence in the record to suggest that the property is exceptionally narrow or shallow or is affected by some exceptional topographical condition or other extraordinary or exceptional condition.

7. The architect testified that the entire property could be used for apartments, which are permitted as a matter-of-right in the R-5-B District. The Board so finds.

8. The owner of the building did not appear and testify. His representative did not cite to the Board any hardship which

the owner would incur if the application were denied and the Zoning Regulations were strictly applied.

9. The property which abuts the site to the east fronts on Connecticut Avenue and is zoned C-3-B. Commercial uses are permitted as a matter-of-right in the C-3-B District. The property to the west of this site and on the south side of "R" Street is zoned R-5-B, and is developed with four story row structures, most of which are being used for residential purposes.

10. The Office of Planning and Development, by memorandum dated March 7, 1979 and by testimony at the hearing, recommended that the application be denied on the grounds that there are no physical circumstances which would prevent use of the premises for a purpose permitted in the R-5-B District. The Board so finds.

11. Advisory Neighborhood Commission 2-B, by oral testimony at the hearing, recommended that the application be denied on the grounds that property zoned R-5-B should be reserved for strictly residential purposes and that the applicant had not proved the existence of any practical difficulty or hardship. The Board so finds.

12. The Dupont Circle Citizens Association opposed the application on the same grounds as those cited by the ANC.

13. There is a petition in the record, signed by persons residing within approximately 600 feet of the site, opposing the application on the grounds that office use of the premises threatens the character of the street and would result in loss of housing space.

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, and has presented no evidence that strict application of the Regulations would constitute a hardship upon the owner. The Board concludes that the property reasonably can be used for a purpose permitted in the R-5-B District. Witnesses for the applicant so testified. The Board notes the position of ANC 2-B and concludes that it has accorded to the ANC the "great weight" to which it is entitled. 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

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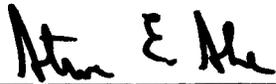
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good. It is therefore ordered that the application be DENIED.

VOTE: 3-0: (William F. McIntosh, Charles R. Norris, Leonard L. McCants to deny, Chloethiel Woodard Smith abstaining).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 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."