

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12918, of Thomas P. Turchan, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to use the subject premises as a temporary contractor's office in an R-4 District at the premises 1887 Monroe Street, N.W. (Square 2615, Lot 852).

HEARING DATE: May 23, 1979
DECISION DATE: May 23, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The application was scheduled for the public hearing of April 18, 1979. The applicant failed to post the required sign on the subject property. The Board continued the application so that the applicant could comply with Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA. At the subject public hearing of May 23, 1979, the affidavit of posting was not filed within the five day period as required by Section 3.33. The opposition testified that the property had in fact been posted for ten days and requested the Board to go forward on the merits of the application. The Board waived the requirements of the five days filing period of the affidavit of posting.
2. The subject property is located on the northeast corner of Monroe and 19th Streets, N.W. and is known as 1887 Monroe Street, N.W. It is in an R-4 District.
3. The subject site is 12,400 square feet in area. It is rectangular in shape and is improved with a large three story frame detached dwelling and a stone garage. The property had previously been used as a nursing home.
4. To the north of the subject property is a fourteen foot wide alley followed by row dwellings. To the east, west and south are additional row dwellings.
5. The applicant is a developer and is in the process of renovating the subject premises for residential use in conformance with the provisions of the subject R-4 District.

6. The applicant proposes to make use of the subject property as a temporary contractor's office until August 1979 at which time he will have completed the partial renovation of the subject building. Further renovation work will necessitate the office's relocation and the subject premises will be boarded up.

7. No heavy construction equipment will be stored on the site.

8. There will be two secretaries and six production staff working in the building. There is a two car garage in the rear yard of the dwelling. Employee parking on the surrounding streets will be infrequent, since the premises will only be visited briefly during the day by most of the staff who primarily work in the field.

9. There are no signs on the premises or other outward indications to suggest the dwelling is not being used as a residence.

10. A report dated April 13, 1979 was filed in the record by the Office of Planning and Development. It recommended conditional approval of the application. The OPD stated that variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and map. The OPD recommended that this application be approved for a period of three months with the further conditions that:

- a. The parking of construction equipment and employee vehicles on the public streets or on the property itself be prohibited, except as a temporary, infrequent and incidental condition of business during daytime hours only.
- b. All parts of the site shall be kept free of refuse or debris. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

11. Advisory Neighborhood Commission - 1E made no recommendation on the application.

12. There was opposition to the application on the part of neighboring property owners. The opposition requested the Board to address itself as to what a temporary office constituted. The opposition objected to the fact that the area of the subject site has been completely ignored what with overgrown bushes, grass and accumulated debris. The opposition further desired that there should be no parking of construction equipment on the property. The opposition testified that if the above concerns were addressed by the Board that they would not object to a fixed limited use of the subject property.

13. In reply to the concerns of the opposition, the Board will place conditions hereinafter listed on the granting of this application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the relief herein sought is of a temporary nature and that the temporary use is to restore an existing dwelling to a use that is a matter-of-right in an R-4 District. The structure at present is in a state of disrepair and, as herein conditioned by the Board, the property will be restored so that it will cease being a detriment to the public good, although still in an unfinished stage. The Board notes that the main opposition to this application was not the temporary use of the property as a developer's office, but rather the failure on the part of the applicant to maintain the property even though it was under repair. The Board further concludes that the application can be granted, with the conditions hereinafter imposed, without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the Application is GRANTED SUBJECT to the following CONDITIONS:

1. The temporary use shall terminate on September 1, 1979.
2. All parts of the site shall be kept free of refuse or debris. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

3. Condition TWO of this Order shall be controlling not only for the period of time that the applicant is working on the subject premises, but also during that period when he has removed his office from the subject property.

VOTE: 3-0 (John G. Parsons, Chloethiel Woodard Smith and Leonard L. McCants to GRANT; William F. McIntosh and Charles R. Norris 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: 23 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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.