

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12941 of Capitol Investments, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to use all floors of the subject premises as offices in an R-5-C District at the premises 2020 Connecticut Avenue, N.W., (Square 2528, Lot 116).

HEARING DATE: April 23, 1979

DECISION DATE: June 6, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of Connecticut Avenue, between Wyoming Avenue to the north and California Street to the south. It is known as 2020 Connecticut Avenue, N.W. and is in an R-5-C District.
2. The site is rectangular in shape and has a land area of 1,000 square feet. The site is improved with a three story brick row dwelling that was constructed in 1910 as a residence.
3. To the north of the subject premises is a row structure occupied by the Chancery of the Government of Iceland, followed by a semi-detached dwelling used as an embassy in an R-5-C District. To the east is Connecticut Avenue, followed by the 2029 Connecticut Avenue apartment condominium and the Embassy of Malta. To the south are row dwellings in an R-5-C District. To the west is the side yard of the Barbizon Terrace Hotel in an R-5-C District.
4. The applicant purchased the subject premises in August, 1977. It is now leased on a five year term to a consulting firm. The applicant seeks to continue the present use of the building.
5. Certificate of Occupancy, No. B-50210, was issued April 20, 1965 for the use of the building as a flat, all floors and basement. No Certificate of Occupancy was ever applied for or issued for the office use.

6. The office employs three full time employees and two part time employees. Two walk to work and one uses public transportation. The office hours are from 8:00 a.m. to 5:00 p.m. No more than three persons visit the premises on a monthly basis.

7. The proposed office use is first permitted as a matter-of-right in a C-1 District.

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

9. 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.

10. 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.

11. The Office of Planning and Development, by report dated May 18, 1979, and testimony given at the Public Hearing, recommended that the application be denied on the grounds that there were no exceptional topographic conditions in the property to support the granting of a variance, that the subject premises could be used in accordance with the requirements of the R-5-C zoning category, and that the present office use of the premises is not in keeping with the surrounding neighborhood which is generally residential in nature. The Board so finds.

12. Advisory Neighborhood Commission 1D testified that at its Town Meeting of May 9, 1979 it voted unanimously to oppose the application. The ANC testified that the subject property is one of five older row houses set among large apartment buildings in an R-5-C District. Aside from the subject site, three of the buildings are currently used for residential purposes and the other is the Icelandic Chancery. The ANC further reported that office use creates more traffic than residential use and that there is no hardship in the property itself that warrants a variance from the use provisions. The Board so finds.

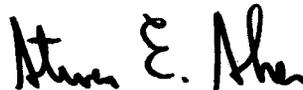
CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a use variance the granting of which requires a showing of an undue hardship upon the owner arising out of some exceptional or unique condition of the property. The site is rectangular in shape. The improvements were constructed for residential purposes and have been used as such. The outstanding Certificate of Occupancy is for the use of the building as a flat, all floors and basement. The Board concludes that the hardship is non-existent and that the building can be used reasonably for a purpose permitted in an R-5-C District. The Board notes the position of ANC 1D and concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0 (Leonard L. McCants, John G. Parsons and Chloethiel Woodard Smith to deny, William F. McIntosh and Charles Norris not voting, not having heard the case)

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 30 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."