

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12965, of 1515 Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 4101) to use the first, second and third floors of the subject premises as a professional consultant general office in an SP-2 District at the premises 1501 - 16th Street, N.W. (Square 194, Lot 813).

HEARING DATE: June 13, 1979  
DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 16th and P Streets, N.W. and is known as 1501 - 16th Street, N.W. It is in an SP-2 District.
2. The subject lot is rectangular in shape and has an area of 5,000 square feet. The property represents five lots of record 79,80,83, 99 and 100. They are combined into one lot, the subject lot 813, for assessment and tax purposes. The five combined town-houses constructed on the lots are connected to constitute one building, although there are five separate addresses, namely 1501 16th Street, and 1531, 1533, 1555 and 1537 P Street, N.W.
3. The frontage on both sides along 16th Street in the area is developed with a combination of residential, professional office and institutional uses. The frontage along the north side of P Street between 15th and 16th Streets, where the subject property is located, is developed with row house type structures. Across the street from the subject property on P Street is located the Carnegie Institute of Technology building.
4. The subject premises 1501-16th Street, has three floors and a basement. The last recorded certificate of occupancy No. B-61992 issued April 30, 1968, was for use of all floors and the basement as a rooming house.
5. The premises 1531, 1533 and 1535 P Street are leased by the Department of Human Resources for emergency family shelter. The premises 1537 P Street also leased by DHR, is used as a youth group home.

6. The applicant proposes to use the subject 1501 - 16th Street premises as it's offices for financial and money management consulting purposes.

7. The applicant argues that under Paragraph 4101.44 of the Zoning Regulations it constitutes a "similar professional person" since the principal is educated and has to have a license to do business in the District of Columbia.

8. The Board has had the occasion to discuss and determine the issue of "similar professional person" in Appeal No. 12845. In that appeal which was an appeal from the decision of the Zoning Administrator that the use of an office in an SP-2 office building for a consulting firm/lobbyist is not a "similar professional use" under Paragraph 4101.35 (now 4101.44) of the Zoning Regulations, the Board denied the Appeal and upheld the decision of the Zoning Administrator. The Board concurred in the three criteria set by the Zoning Administrator for what constituted a "similar professional person." The criteria were: 1. ethical standards, 2. professional licensing and 3. professional education. As to ethical standards, the professional person must be controlled by a code of ethics and principles of practice through a professional organization such as the American Institute of Architects, the American Medical Association, the Bar Association, etc. A professional person would be accountable for his/her actions to such an organization. As to the second criteria, professional licensing, all professionals listed in Paragraph 4101.35 of the Zoning Regulations are licensed by the District of Columbia and the District of Columbia may hold the licensee accountable for any malpractice. The criteria of professional education was not discussed in the Appeal.

9. In the subject application it is true that a consultant is licensed by the District of Columbia and under such licensing is subject to a certain degree of control for his/her ethical conduct. The consultant's conduct, however, is not controlled through a professional organization with a code of ethics and established principles of practice for all its members. As to the criteria of professional education the Board finds that regardless that an individual consultant may have a professional liberal education, the said consultant receives no professional degree as a consultant in se.

10. The Office of Planning and Development, by report dated June 5, 1979, recommended that the application be denied on the grounds that there are no physical circumstances related to the property which would limit it's use as permitted in the SP-2 District. The property is being used for residential purposes at this time and could be converted back to separate rowhouses. The OPD also noted that the office use as proposed by the applicant is not permitted in an SP-2 District and is allowed first in a C-1 District. The Board so finds.

11. The Dupont Circle Citizens Association opposed the application on the grounds that the subject property could be used for residential purposes or other SP-2 uses, that there was no specific hardship stemming from the property itself to sustain a variance from the use provisions and that the professional consultant does not constitute a "similar professional person" under the Zoning Regulations. The Board concurs.

12. Advisory Neighborhood Commission 2B, recommended that the application be denied for the reasons given by the OPD and DCCA. The Board concurs.

13. There were no persons in support of the application at the public hearing or as of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a variance from the use provisions. This relief requires a showing of a hardship upon the owner of the property that stems from the property itself. The Board finds no hardship in the property itself. It is rectangular in shape. It has had a history of residential uses. It can still be used for purposes permitted in an SP-2 District.

Secondly, Paragraph 4101.44 provides that when approved by the BZA, the subject property could be used, among other items, as the offices of professional persons. The Board concludes that for the reasons stated in findings of fact No. 8 the applicant does not qualify as a similar professional person. The Board need not discuss the other subdivisions of Paragraph 4101.44. This application could not be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is DENIED.

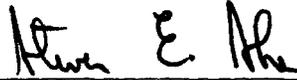
VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to DENY; William F. McIntosh to DENY by PROXY).

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

ATTESTED BY:



\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

**5 SEP 1979**

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 CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.