

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13048 of 1212 Joint Venture, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject premises as professional office space in an SP-2 District at the premises 1212 Massachusetts Avenue, N.W., (Square 283, Lot 814).

HEARING DATE: September 19, 1979

DECISION DATE: October 3, 1979

FINDINGS OF FACT

1. The subject property is located on the south side of Massachusetts Avenue, between 12th and 13th Streets, N. W. and is known as 1212 Massachusetts Avenue, N. W. It is in an SP-2 District.
2. The subject site is approximately 1,500 sq. ft. in area and is improved with a three story and basement dwelling. It was originally constructed as a single family residence.
3. A Certificate of Occupancy, No. B-75066 was issued October 13, 1972 for a rooming house consisting of eight roomers. Roomers still reside in the subject premises, some of whom rented at the time the applicant became the owner.
4. The subject 1200 block of Massachusetts Avenue is used primarily for residential purposes. Directly across the street is a church and rectory and residential units including apartment houses. One of the apartment houses has some professional offices.
5. The applicant proposes to use all floors of the subject premises as professional office space. Other than minor repairs no changes to the exterior of the subject building are contemplated. The interior of the building would be renovated.
6. The applicant purchased the subject property in May of 1979 with the purpose of converting the property for professional office use. The applicant testified that it had no intention to restore the building into a single family residence or for a multiple unit purpose. The applicant purchased the property "as is". The applicant has purchased and developed several other buildings in the neighborhood and developed them. The applicant testified that the neighborhood is an area of mixed uses, residential and commercial.

7. The applicant testified that the subject building is in an excellent structural condition but that its interior has been rundown in the course of its use as a rooming house. There is need of substantial interior refurbishing and to accomplish the renovation it will be necessary to vacate the building entirely.

8. The applicant testified that it would not be economical to undertake the proposed improvements in order to return the building to residential uses. At the close of the public hearing the record remained open for the applicant to submit some evidence in support of its assertions of the economic infeasibility to restore the building for residential purposes.

9. The applicant submitted letters from the EPU Incorporated and the Director, Project Sales of Shannon & Luchs, Realtors. These letters stated that use of the building for apartments was not possible, and the only economic use of the building would be for conversion to professional offices.

10. The applicant testified that it had several possible clients who might use the subject premises, all of whom would qualify under Paragraph 4101.44 of the Zoning Regulations.

11. The applicant testified that the proposed use would not create any traffic issues. There are several parking lots in the subject Square 283 and there were also available parking spaces in another building in the immediate area which the applicant owned.

12. There was opposition to the application on the part of the abutting property owners who reside at 1214 Massachusetts Avenue, N.W. They testified that the subject 1200 block of Massachusetts Avenue, N. W. is used exclusively for residential purposes. The properties to the immediate east and west of the subject property are residential uses and the properties directly across Massachusetts Avenue from the subject property are residential uses. They testified that to their knowledge there were no commercial office uses in the immediate neighborhood. They testified that there were no parking lots on the subject street but rather on L Street and 12th and 13th Streets. The opponents further testified that they were uncertain as to the plans of the applicant for the subject property since the subject property had been put up for sale by the applicants shortly after its purchase. The opponents did not want the neighborhood changed from residential uses.

13. ANC-2C made no recommendation on the application.

CONCLUSIONS OF LAW

The Board concludes that for the special exception to be granted the applicant must comply with the requirements of Paragraph 4101.44 of the Zoning Regulations. Sub-paragraph 4101.441 provides that the use, height, bulk and design of the subject building be in harmony with existing uses and structures as neighboring property. The Board concludes that, based on the record, the proposed use for office space is not in harmony with the immediate neighborhood that is used exclusively for residential purposes. The subject property has always been and still is being used for residential purposes. The applicant was aware of this when it purchased the property unconditionally. The applicant was further aware of the costs that would be involved in renovating the property for whatever uses. The fact that the applicant now argues the issue of economic infeasibility is no basis for granting a special exception. The property can continue to be used for residential purposes. The Board further concludes that the relief cannot be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will tend to affect adversely the use of neighboring properties. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-1 (Walter Lewis, Charles Norris and William McIntosh to deny, Chloethiel Woodard Smith opposed, Leonard McCants not voting, not having heard the case).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 28 JAN 1980

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."