

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13170, of Capital Investments, Limited, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to use the first, second and part of the third floors as an office in an R-5-C District at the premises 2020 Connecticut Avenue, N. W., (Square 2528, Lot 116).

HEARING DATE: February 13, 1980

DECISION DATE: February 13, 1980 (Bench Decision)

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 located in an R-5-C Zone District at premises known as 2020 Connecticut Avenue, N. W.

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. 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 office use.

5. The premises was used as office of a consulting firm for a period between August of 1977, and July of 1979. This use existed without Board approval and without a valid Certificate of Occupancy. This use terminated with the denial of BZA Application No. 12941 on July 30, 1979.

6. The present applicant is a contract purchaser who proposes to use the first, second and part of the third floor as an office. The applicant proposes to reside on the remainder of the third and the entire fourth floor.

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 applicant proposes to have a maximum of three employees.

11. A representative of the owner, Capital Investments, testified that the building could be used as the flat allowed under Certificate of Occupancy B-50210. He testified that the only major renovations would be classified as the replacement of doors and door jambs to close off rooms. He testified that a similar adjoining house on the north is currently used as a single family residence. The structure is not laid out as apartments.

12. The Brighton Condominium Unit Owners Association, by letter dated January 27, 1980 opposed the application on the grounds that the addition of more office space in the upper Connecticut Avenue area would be a serious mistake and a blighting influence on the rest of the neighborhood. The Board does not necessarily concur in the Association's belief, but does find that the applicant failed to meet the burden of proof required by the Zoning Regulations.

13. Advisory Neighborhood Commission 1-D by report dated February 8, 1980, offered support of the application provided the use was limited to part office and part residential, with a maximum of two employees. The Board finds that there is no basis to grant a use variance in this case. The applicant testified that the structure had been in the past and still could be used as a residence, in accordance with the R-5-C zoning requirements.

14. There was no other opposition to the granting of this application.

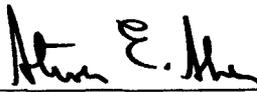
CONCLUSIONS OF LAW:

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 1-D 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 (Walter B. Lewis, Connie Fortune, William F. McIntosh to deny; Leonard L. McCants abstained; Charles R. Norris not present, not voting).

BY THE ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER

FINAL DATE OF ORDER: 19 MAY 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."