

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13190 of 1742 N Street, Company, 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 offices of non-profit organization in an SP-1 District at the premises 1748 N Street, N.W., (Square 159, Lot 39).

HEARING DATE: March 19, 1980
DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject property is located in SP-1 Zone District on the south side of N Street between 17th and 18th Streets, N.W., at premises known as 1748 N Street, N.W.
2. The site is presently improved with a four story and basement brick row structure.
3. The applicant proposes to use the structure as offices of the National Maritime Council, a non-profit organization.
4. The applicant testified that the property was used as a dentist's office from 1924 to 1975. Upon acquisition in 1975, the applicant proceeded to renovate the building for use as offices, on the assumption that a valid Certificate of Occupancy for offices existed since 1924.
5. Upon the applicant's discovery that no valid Certificate of Occupancy existed for office use, and that such use required BZA approval, he filed an application before this Board.
6. The subject block is developed with The National Association of Broadcasters, The Canterbury House, The Talbott Inn, The Greenland Hotel, two high-rise mixed use buildings and several row structures most of which are devoted to office uses.
7. The property is located within the Dupont Circle Historic District. The exterior of the building will be retained in its present condition.

8. The property will be used as offices for the National Maritime Council, a non-profit organization that employs a maximum of eight staff members.

9. The proposed hours of operation are from 8:30 a.m. to 6:30 p.m.

10. A representative of the applicant testified that the National Maritime Council has been a tenant at 1742 N Street for approximately three years, and has three employees that drive to work, while the others use mass transportation.

11. The applicant provides four parking spaces at the rear of the site.

12. There is no special treatment in the way of design, screening or landscaping of the subject property necessary to protect the value of adjacent property.

13. The proposed use is in harmony with the existing uses of this block.

14. The height, bulk and design of the building is in harmony with that of other structures surrounding the site.

15. Advisory Neighborhood Commission 2B by report dated March 19, 1980, opposed the application on the grounds that the building could be and should be used for residential purposes, and that this SP block was becoming a totally office block with no mix of residential use. The ANC argued that the residential use of the building would represent a greater tax base for the city than its use as offices. The ANC also noted that the premises had illegally been used as offices for years, without a valid Certificate of Occupancy.

16. Mrs. Harriet B. Hubbard expressed the same general opposition on behalf of the Dupont Circle Citizens Association.

17. As to the opposition cited by the Advisory Neighborhood Commission and the Dupont Circle Citizens Association, the Board finds as follows:

- a. The applicant is not requesting a use variance, and is therefore not required to prove that the building cannot be used for residential purposes. The office of a non-profit organization is permitted in the SP-1 District as a special exception, and the Board is not required to find that the building cannot be used for residential purposes.

- b. The Board cited the previous uses of this site as well as the existing uses surrounding the site. The Board finds that the proposed use is in harmony with the surrounding block.
- c. As to the applicant's use of the site as offices without a valid Certificate of Occupancy, the Board accepts the applicant's testimony as presented in Finding of Fact No. 4, and finds that no flagrant disrespect of the law was intended or committed by the applicant. The Board further notes that any violations of the Zoning Regulations can be appropriately addressed by the Zoning Administrator, and that the fact that a use was operated without a Certificate of Occupancy does not require the Board to deny an application.
- d. The question of tax base is one which is not directly before the Board. This application must be judged on the basis of the standards set forth in Paragraph 4101.41 and Sub-section 8207.2.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant has complied with the requirements of Paragraph 4101.44 in that the proposed use is for offices of non-profit organizations and such use is in harmony with existing uses on neighboring property. The Board concludes that the use would be included in a row structure, which type is common to the neighborhood and there will be no changes to the exterior of the structure. The subject property is served well by bus and subway so that no dangerous or other objectionable traffic conditions are anticipated. The Board further concludes that the special exception can be granted as in harmony with the general intent and purpose of the Zoning Regulations and will create no adverse affect on the use of neighboring property. The special exception can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that it has addressed the issues and concerns of the ANC and that it has thus accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0(Charles R. Norris, Connie Fortune, William F. McIntosh, Leonard L. McCants to grant; Theodore F. Mariani to grant by proxy).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 JUN 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."

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.