

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13231, of Joseph Jones, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7202.1) to permit the proposed conversion of a portion of an office building into a theater seating 151 persons in a C-3-C District at the premises 1666 Connecticut Avenue, N. W., (Square 93, Lots 66, 67 and 68).

HEARING DATES: May 14 and May 21, 1980
DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. This application was scheduled for the public hearing of May 14, 1980. The application appeared on the preliminary calendar. Due to administrative error, the application was never published in the D. C. Register. In addition, the property was posted for five days prior to the public hearing instead of ten days as required in Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA. The Board continued the application to the public hearing of May 21, 1980 with the understanding that the applicant would meet with the ANC and seek a waiver from the ANC of a thirty day written notice of a public hearing in the D. C. Register. The Board further directed that the property be reposted to reflect a public hearing on the application on May 21, 1980. At the public hearing of May 21, 1980, the applicant advised he had notified the ANC of the new hearing date of May 21, 1980. No reply was received from the ANC nor did the ANC appear at the public hearing. The ANC did receive direct mailed notice thirty days in advance of the hearing. The Board determined that all interested parties had adequate notice of the public hearing, and waived the late posting of notice on the property.

2. The subject property is located on the west side of Connecticut Avenue between R Street and Hillyer Place, N. W. It is known as 1666 Connecticut Avenue, N. W.

3. The subject property was advertised as being in a C-3-B District. By Order No. 308, dated May 8, 1980, the Zoning Commission amended the Zoning Regulations to create a new C-3-B District. That Order redesignated all that property currently zoned C-3-B to be known as C-3-C. The C-3-C District is identical to that district, formerly known as C-3-B. There is no effect on this application.

4. The subject site is improved with a seven-story structure, initially designed for retail commercial use on the first floor and office use above. The subject structure occupies approximately 100 percent of the site.

5. The applicant wishes to convert a portion of the ground floor of the subject structure from office to theater use. There are two existing theaters in the building.

6. Although theater use is permitted as a matter of right in the C-3-C District, that use has greater parking requirements than an office use.

7. The proposed conversion to theater use requires an additional fifteen parking spaces from the former requirement of fifty-seven spaces.

8. The subject structure contains a two-story underground garage which can accommodate a total of approximately 110 spaces. Fifty-seven of those spaces are considered "required" spaces under Article 72 of the Zoning Regulations. The other fifty-three are provided through attendant parking.

9. The peak theater operation will be on weekends, and weekday evenings after 7:00 p.m., when office use demand for available parking on the site will be at a low ebb. The proposed theater will have 150 seats. It will be called Janus III. The other two theaters Janus I and II are directly south of the proposed theater.

10. The applicant's traffic expert witness testified that the proposed theater would generate a demand of 8.6 spaces during the day and 5.2 spaces at night.

11. The applicant's traffic expert submitted a traffic study which further indicated that patrons will find adequate parking facilities in the area. There was testimony that there currently exists eighty-seven additional spaces on two public lots within 800 feet of the subject site. The subject site is only 250 feet from an entrance to the Dupont Circle Metro station. A survey indicated that twenty-one percent of the patrons walked to the existing theater and that fifteen percent arrived by public transportation. There are 444 street parking spaces in the vicinity. The Board finds that the existing valet parking on the subject site, plus the other parking facilities in the neighborhood can provide for the anticipated parking needs of the proposed theater.

12. The applicant's traffic expert witness testified that the applicant's proposed use would cause no adverse traffic impact on the vicinity.

13. The applicant's architect testified that almost 100 percent of the subject site is occupied by the existing structure and that this situation prevents any area on the site from being available to provide the additional required parking. The Board so finds.

14. Although the theater use is permitted as a matter of right in the District, a strict application of Article 72 would prevent this use. The existing structure on the site makes it impossible for applicant, as a practical matter, to provide additional on-site parking.

15. Advisory Neighborhood Commission - 2B submitted no report on this application.

16. The Dupont Circle Citizens Association recommended that the application be granted on the condition that the applicant provide continuous valet parking for the ninety-six spaces required during the operating hours of the theater use.

17. There was one witness at the public hearing who spoke in opposition to the granting of this application on the basis of a general parking problem in the area created by the number of restaurants, shops, theaters and diplomatic parties. It was his impression that the immediate neighborhood is saturated with cars, and that the subject site would not absorb the additional traffic engendered by the proposed theater and thus would aggravate it. There was also one letter of record in opposition based on traffic impact. These comments are contradicted by the findings of the applicant's expert traffic witness, with whom the Board concurs.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty inherent in the property that causes a hardship upon the owner of the property. The Board notes that the existing structure occupies approximately 100 percent of the site making provisions for additional off-street parking impossible. The Board concludes that the practical difficulty is inherent in the property. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

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VOTE: 5-0 (William F. McIntosh, Connie Fortune, John G. Parsons,
Charles R. Norris and Leonard L. McCants to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 JUL 1980

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.

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."