

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13294 of Karl H. Lass, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of each of the subject premises as offices for a non-profit organization or professional offices in an SP-2 District at the premises 1109 and 1111 M Street, N. W., (Square 314, Lots 3 and 4).

HEARING DATE: July 24, 1980

DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject properties are located in an SP-2 District on the north side of M Street between 11th and 12th Streets, N.W.

2. Lot 3 is developed with a three story building with basement known as 1109 M Street, N. W.. The building contains approximately 3,330 square feet of gross floor area. The first and second floors of the building were used as a planned parent-hood clinic from 1951 until the late 1970's. The building has been vacant since that use terminated.

3. Lot 4 is developed with a three story building with partial basement known as 1111 M Street, N. W., which contains approximately 6,256 square feet of gross floor area. The building is approximately 107 feet deep, but most of the building is only about twenty feet in width.

4. Both buildings were acquired by the applicant, Mr. Karl H. Lass, in October, 1979. The applicant proposes to subdivide Lots 3 and 4 into a single record lot. The buildings would be treated as a single building and would share a common fireproof building core. All floors of 1111 M Street and the first and second floors of 1109 M Street would be devoted to office use, and the third floor of 1109 would be used for an apartment. Initially, the apartment would be leased in conjunction with the office use in 1109 and eventually would be occupied by the applicant.

5. The proposed restoration and retention of the existing structures will be in harmony with the residential scale of the existing development on Square 314. The combined floor area

ratio for the two buildings and lots is 1.65, which is well-below the allowable F.A.R. of 3.5 for non-residential uses in the SP-2 district. Square 314, in which the subject buildings are located, is developed with structures which are for the most part low in height and bulk. Square 314 is unusual in this respect. The squares to the south and west are developed with structures of greater height and bulk.

6. Preservation of the existing structures will also be in harmony with the restoration of other 19th century structures which is taking place in Square 314. The architect testified that in his opinion the buildings have architectural significance. Both of the subject buildings were constructed before the turn of the century. The architect testified that 1109 M Street is an unusual example of Victorian architecture with Mission style influence. He testified that 1111 M Street is an example of late Federal style architecture with Italianate influence and that 1111 M Street is part of a three house row including 1113 and 1115 M Street, which are in the process of being restored. The Board agrees with the conclusions of the architect.

7. Use of the subject premises for professional offices or offices of non-profit organizations will be in harmony with the existing uses in the neighborhood. Such limited supportive uses can provide services to the residents of the community. For example, medical offices in the subject premises would be convenient to the Claridge Towers Public Assistance Housing For The Elderly located at 12th and M Streets, N. W., as well as the other residential uses in the area. Non-profit offices could include community service organizations. The proposed use will also complement the residential uses in the vicinity because it will provide a work place for persons residing in the neighborhood.

8. Although Square 314 is split-zoned SP-2/R-5-C/C-2-A/C-2-C, space for limited supportive uses and professional work space is not presently provided. The row dwellings in the SP-2 zoned part of the square, which are considerably smaller than the subject premises, have been renovated for residential use. Public assistance housing occupies the entire C-2-C zoned part of the square and part of the C-2-A zoned part of the square. While the remaining C-2-A zoned areas are underutilized at present, this zoning district is intended for neighborhood commercial uses, such as retail and personal service establishments which are lacking in the area. The professional and non-profit office use proposed by the applicant addresses a different need and one which is appropriate to the SP-2 district.

9. Two on-site parking spaces are required under the Zoning Regulations. The applicant will provide five regulation-sized spaces on the site. Access to the parking area will be via the public alley from 12th Street, N. W.

10. Within the area bounded by 15th Street, Rhode Island Avenue, O Street, 11th Street and Massachusetts Avenue, there are 650 available spaces on parking lots, seventy-nine metered parking spaces, twenty-eight curb spaces, and fifty-four permit spaces. The location of the property also provides excellent access to public transportation. There are nine bus routes within two blocks of the site: the P-2 and P-7 routes on 13th Street, the 50, 52 and 54 routes on 14th Street, and the 60, 62 K-4 and G-6 routes on 11th Street.

11. The applicant proposes to improve the appearances of the two structures by minor alterations to the facades along M Street. The brick work will be repointed, as needed. New windows in 1109 M Street will be repaired or replaced, as needed. The steps of both buildings will be repaired, brackets **under** the eaves and gutters replaced, and the front yards landscaped. The only signs used will be small professional placards.

12. The rear yard of the subject property abuts the parking lot of the publicly assisted housing project to the east. There is an existing stockade fence along the eastern lot line which can be refurbished by the applicant to provide screening as required. Because of the length of the 1111 M Street building, the western part of the rear yard is extremely shallow. It is separated from the abutting dwellings to the west by an existing brick wall which can be pointed up as needed. The part of the rear yard not required for parking will be landscaped. The applicant also intends to remove the dilapidated wooden porch affixed to the rear of 1111 M Street.

13. There was no report from Advisory Neighborhood Commission 2C.

14. The Planning and Zoning Committee of The Logan Circle Community Association, by letter dated July 22, 1980, stated that it had no objection to a grant of the requested relief. The letter stated in part:

The proposed use of the buildings would preserve the architecturally interesting facades of the two buildings and will retain some meritorious interior period features. We believe that the low density use, permitted under existing law, is not only preferable to the maximum use to which the land could be utilized, but is also more compatible with existing abutting structures along M Street and to the immediate North of the two subject buildings along 11th and 12th Streets.

15. Several individual letters of support were filed in the record, including one from the owner of the house located at 1113 M Street, which abuts the subject property to the west, one from the owner of the house located at 1209 12th Street, which also abuts the subject property to the west, and one from the owner of the house located at 1213 12th Street, which abuts the subject property to the rear,

16. The application was referred to the Office of Planning and Development as required by the Zoning Regulations. No report from the office was received in the record of the case.

17. Two persons appeared in opposition to the application and presented a petition signed by several others. The individuals who appeared stated that they did not object to the proposed use of 1109 M Street, but that they were opposed to the proposed use of 1111 M Street, and questioned why 1111 M Street could not be restored for residential use,

18. As this case is an application for a special exception, the applicant is not required to prove that he cannot use the building for residential purposes. However, the Board heard extensive testimony from the applicant as to why the building should not and could not be used for apartments. The applicant and his architect testified that restoration of 1111 M Street for residential use, either as rental units or condominiums, had been carefully studied. The applicant exhibited floor plans for such use and described the results of cost studies. These studies showed that restoration of 1111 M Street for residential use would not be economically feasible, for several reasons.

Restoration for residential use would require two Class B stairs and therefore two costly disruptions to the structure of the building, whereas the proposed office use requires only one Class A stair. Restoration for residential use would require finished space with costly kitchen and bathroom fixtures for each apartment, whereas the proposed office space would be leased as unfinished space and only a single restroom core area on each floor would be required. These differences resulted in a cost, not including acquisition cost, of over \$330,000 for residential restoration compared with a cost of \$189,000 for office restoration. Residential units could not command either a rent or condominium sale price sufficient to break even. This is because the exceptionally long and narrow configuration of the building and the requirement that all apartments on each floor have access to a corridor providing egress via both stairs results in poor quality residential space. The applicant testified that, because of the lower restoration cost, a relatively modest office rent would be economic and that larger office areas can be created because only one Class A stair is required. The Board finds that complete residential use is not practical for these buildings.

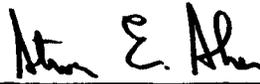
CONCLUSIONS OF LAW AND OPINION

Based on the findings of fact and the evidence of record, the Board concludes that the height, bulk and design will be in harmony with the existing structures in the neighborhood, as set forth in Finding Nos. 5 and 6 above. The Board concludes that the proposed use will be in harmony with the existing uses in the neighborhood and with the general purposes and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of the surrounding property, as set forth in Finding Nos. 7 and 8 above. The Board concludes that the proposed use will not create dangerous or other objectionable traffic conditions, as set forth in Finding Nos. 9 and 10 above. The Board concludes that the restoration proposed by the applicant, as set forth in Finding Nos. 11 and 12 above, will be sufficient to protect the value of neighboring property and no additional special treatment or screening is required.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ordered that the application is granted.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis and Charles R. Norris to grant, William F. McIntosh to grant by proxy, Leonard L. McCants not present, not voting).

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



STEVEN E. SHER
Executive Director
Zoning Secretariat

FINAL DATE OF ORDER: 31 OCT 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.