

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13319, of Envoy Towers Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7105.2 to extend a non-conforming use to establish twenty-seven apartment units in a C-M-2 District at the premises 2400 - 16th Street, N. W., (Square 2571, Lots 952 and 953).

HEARING DATE: September 10, 1980

DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. At the public hearing, the Board determined that the affidavit attesting to the posting of notice on the property was not filed timely. In accordance with Section 3.33 of the Supplemental Rules of Practice and Procedure, the affidavit must be filed not less than five days in advance of the hearing. The affidavit in the subject case was filed only one day before the hearing. The counsel for the applicant advised the Board that he had withheld filing the affidavit until a jurisdictional question had been settled. After determining that the property had been properly posted the Board waived the requirements of the Rules regarding the timely filing of the affidavit.

2. The subject property is located on the west side of 16th Street, between Crescent Place and Kalorama Road, N. W. The property is an irregularly shaped site, which has frontage on Crescent Place, and Kalorama Road at the rear.

3. The property consists of two assessment and taxation lots, 952 and 953. Lot 952, which contains approximately 53,000 square feet, comprises the eastern portion of the site, with frontage on both 16th Street and Crescent Place. Lot 953 is an L-shaped lot, with only the shorter part of the "L" having street frontage on Kalorama Road. Lot 953 is zoned C-M-2.

4. The entire property is improved with an apartment house known as the Envoy Towers. The building carries the address of 2400 16th Street.

5. The property is owned by Envoy Towers Associates,

which is a joint venture consisting of the 2406 Tenants Association and David Clark and Associates, as developer.

6. The main residential portion of the project consists of a seven story building which contains 334 dwelling units located on the eastern R-5-C portion of the site. Twelve of the existing 334 units are located on the C-M-2 portion of the site. The garage annex facility is a three to four story building located on the C-M-2 portion of the site, which presently contains parking for 176 cars.

7. The applicant proposes to renovate the entire building. In so doing, the total number of dwelling units will remain at 334. The majority of the existing units are small efficiency units. In order to increase the sizes of the units, the applicant proposes to convert some of the existing garage space to dwelling units, and redistribute the number of units throughout the building.

8. An apartment house is not a permitted use in a C-M-2 District. The existing twelve units on the C-M-2 portion of the site thus constitute a non-conforming use.

9. The applicant proposes to increase the number of units on the C-M-2 portion by twenty-seven. This is an extension of a non-conforming use, and requires approval of the Board pursuant to Sub-section 7105.2 and Section 7109 of the Regulations.

10. The portion of the building in which the twenty-seven units are proposed to be located is part of the same structure where the existing non-conforming use is located. No other structure is involved in the extension of the non-conforming use.

11. There will be no structural alterations to the building.

12. The occupants of the new residential units in the C-M-2 District will be a part of the neighborhood, and these units can thus be considered as a neighborhood facility. In addition, these units will not create any objectionable conditions because of noise, traffic or other effects.

13. The building will include approximately twenty per cent of its units for low income residents of the area under the Federal Section 8 program.

14. There is adequate parking remaining in the building to serve the needs of the residents. There are residential buildings on three sides of the subject property. The C-M-2 District in the area contains a large number of existing residential uses, in addition to permitted commercial and industrial type uses.

15. Advisory Neighborhood Commission 1-C, by letter dated September 17, 1980, supported the application. The ANC noted that, in its view, the nonconformity of the total structure will not be heightened because the total number of housing units will not be increased. The ANC further stated that the proposed rehabilitation of the building will be in harmony with the uses of adjacent properties and other properties in the block, which are residential. The Board concurs with the findings of the ANC.

16. The 18th and Columbia Road Businessman's Association supported the application.

17. There was no opposition to this application.

CONCLUSIONS OF LAW AND OPINION

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Sub-section 7105.2 and Section 7109 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use is to be extended to another portion of the same building, no other building is involved, and no structural alterations are to be made. The extended use will be a neighborhood facility, will not be objectionable, will cause no adverse effects and will be consistent with the present character and future development of the area.

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: 3-0 (Charles R. Norris, Connie Fortune and William F. McIntosh to grant, Theodore F. Mariani not voting, not having heard the case, Leonard L. McCants, not voting having recused himself).

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

ATTESTED BY: Steven E. Sher

STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 DEC 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.