

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13357 of David Clark and Associates, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use units 101A, T-1, T-3, T-4, T-6 and T-7 of the subject premises as office space for a "non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional use" in an SP-2 District at the premises 1420 N Street, N. W., (Square 212, Lot 121).

Application No. 13358 of David Clark and Associates, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use unit A-1 of the subject premises as office space for a "non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional use" in an SP-2 District at the premises 1440 N Street, N. W., (Square 212, Lot 120).

HEARING DATE: October 22, 1980

DECISION DATE: November 5, 1980

FINDINGS OF FACT:

1. At the public hearing, the Board consolidated the two cases for the purpose of hearing and decision. The properties are adjacent, both are owned by the same parties, except as noted below, the facts are the same for both cases, and the interests of all were served to consider the two cases as one.

2. At the public hearing, the applicant, David Clark and Associates, stated that it no longer owned Units 101A and T-3 at 1420 N Street, N. W.. The building is a condominium, and those two units have been sold. Unit 101A is now owned by the Hispanic Link Media Foundation. By letter dated October 21, 1980, marked as Exhibit No. 21 of the record in Case No. 13357, the Foundation authorized the applicant's Counsel to also represent it in this case.

3. Unit T-3 is now owned by the Meridian Roofing Construction Company, Inc. By letter dated October 21, 1980, marked as Exhibit No. 22 of the record in Case No. 13357, the applicant in the present case requested permission

to withdraw consideration of that portion of the application related to Unit T-3. Counsel for the applicant advised the Board that Certificate of Occupancy No. B-120905, dated June 19, 1980, had been issued authorizing the use of the premises as a "home improvement contractor". The Board granted the request for withdrawal of Unit T-3 from the application.

4. The subject properties are located in an SP-2 District on the south side of N Street between 14th and 15th Streets, N. W.

5. The premises 1420 N Street is a ten story plus basement building known as Towne Terrace East, erected in the mid-1960's. Floors two through ten of the building contain a total of 141 apartment units. The lobby and lower lobby level contain a total of forty-two parking spaces. The lobby level has five office suites, labeled T-2, T-3, T-4, T-6 and 101A, and the lower lobby level has three office suites, labeled T-1, T-5 and T-7. Units T-2, T-3 and T-5 already have appropriate certificates of occupancy authorizing office use. Units T-1, T-4, T-6, T-7 and 101A, located as shown on the plans marked as Exhibit No. 2 of the record in Case No. 13357, are the units before the Board.

6. The premises 1440 N Street is a ten story plus basement building known as Towne Terrace West, erected in the mid-1960's. Floors two through ten of the building contain a total of 133 apartment units. The lobby and basement levels contain a total of thirty-eight parking spaces. There are two office units on the lobby level, marked as Units A-1 and A-2. Unit A-2 already has a Certificate of Occupancy authorizing office use. Unit A-1 located as shown on the plans marked as Exhibit No. 2 of the record in Case No. 13358, is the unit before the Board.

7. Unit 101-A is proposed to be used as the offices of the Hispanic Link Media Foundation. Unit T-4 is under contract of sale to the Armenian Assembly. Both of these organizations are non-profit organizations within the meaning of the Zoning Regulations. There are no specific occupants proposed for the other four units. The applicant proposed that the Board grant approval for all of the other units to be used for any non-profit organization, labor union, architect, doctor, dentist, engineer, lawyer, or similar professional use.

8. The lobby and lower lobby levels of 1420 and the lobby level of 1440 have been used for office purposes since the buildings were constructed.

9. In the subject square there are apartment buildings, rowhouse structures, a church and parking lots. Across N Street to the north are a mixture of apartment buildings and rowhouses. The subject existing buildings are of similar height and bulk to many of the surrounding properties. Office use of the first floors of the subject buildings would also be compatible with the surrounding uses, which include offices on the south side of Massachussets Avenue.

10. Unit T-4 is being sold with one off-street parking space. Units T-1 and A-1 are being sold with three parking spaces each. There are existing parking lots in the area to accommodate any excess parking demand generated by the proposed office uses.

11. The properties are well served by mass transit, including both bus and rail routes. Many of the employees of the prospective tenants live in the neighborhood or within the buildings and will walk to work.

12. The total area devoted to office use is approximately 7,735 square feet, or less than 0.25 FAR.

13. Given the various modes of transportation available and the relatively low level of office use, the proposed use will not create dangerour or objectionable traffic conditions.

14. There will be no signs on the exterior of the buildings advertising the presence of office uses.

15. The Office of Planning and Development, by report dated October 10, 1980, and by testimony at the hearing, recommended that both applications be approved. The OPD reported that the "use, height, bulk and design of the structures are in harmony with the existing uses and structures on neighboring properties". The OPD further reported that the use of the subject units as office spaces will not affect adversely the use of neighboring property due to traffic. The Board agrees with the findings of the OPD.

16. The President of the Towne Terrace East Unit Owners Association and the Board of Directors of the Towne Terrace West Unit Owners Association submitted letters to the record in support of the applications.

17. There was no report from Advisory Neighborhood Commission 2-C.

18. There was no opposition to the applications.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking two special exceptions. In order to be granted such exceptions, the applicant must demonstrate that it has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed uses in the subject buildings will be in harmony with the general uses, height, bulk and design of other buildings and uses in the area. The use will not create dangerous or objectionable traffic conditions. No special screening or treatment is required.

The Board further concludes that the special exceptions 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 both applications are GRANTED, SUBJECT to the following CONDITIONS:

1. The use is granted for those units specified in the above applications only; that is units 101-A, T-1, T-4, T-6 and T-7 at 1420 N Street and unit A-1 at 1440 N Street.
2. The use is limited to that of a "non-profit organization, labor union, architect, dentist, doctor, engineer or lawyer" only.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune, Charles R. Norris and William F. McIntosh to grant).

ATTESTED BY: Steven E. Sher  
Steven E. Sher  
Executive Director

FINAL DATE OF ORDER: 12 JAN 1981

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.