GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13430, of 1705 N Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to permit the conversion of a building to professional offices and for a variance from the open court requirements (Sub-section 4305.1) to permit an addition to such office building in an SP-1 District at the premises 1705 N Street, N.W., (Square 158, Lot 40).

HEARING DATE: February 18, 1981
DECISION DATE: March 4, 1981

FINDINGS OF FACT:

1. The application was scheduled for the public hearing of February 18, 1981. The property was properly posted with the notice of the hearing. However, the affidavit attesting to the posting was not filed with the Board until February 17, 1981, the day before the hearing. Section 3.33 of the Supplemental Rules of Practice and Procedure before the Board requires that the affidavit be filed at least five days prior to the date set for the hearing. At the request of the applicant, the Board determined that good cause existed, and the Chairman ruled to waive the requirement for timely filing of the affidavit.

2. The subject property is located on the north side of N Street, N.W., between 17th and 18th Streets and is in an SP-1 District.

3. The subject site is located in the Dupont Circle Historic District.

4. The subject site is currently improved with a three-story brick structure which was constructed in the late 19th century.

5. The subject structure was most recently used as a church and parsonage with a capacity of 120 persons, in accordance with Certificate of Occupancy No. B42651, dated May 13, 1975.

6. The applicant is seeking a special exception pursuant to Paragraph 4101.44 to allow the existing structure to be devoted to professional office use. The applicant proposes to convert the structure, which contains 3,553 square feet of gross floor area, to professional office uses with an anticipated occupancy of twenty persons.

7. This square and the neighboring area contain a variety of uses which are characteristic of the SP-2 District. The square contains high-rise apartments, townhouse structures containing offices, restaurants, and hotels, institutional uses such as the Johns Hopkins School of Advanced International Studies and several embassy uses. The subject property is adjoined on the east and west by similar row structures. To the west, 1707 N Street is devoted to law office use while 1300 17th Street, on the east, houses the National Association of Women Pen Artists. To the rear of the property is the Embassy of Peru which fronts on Massachusetts Avenue.

8. The majority of the existing structures in the 1700 block of N Street are three and four story row structures, although there are several larger buildings which approach ninety foot in height.

9. The applicant's proposed professional office use for the subject building is typical of and in harmony with other existing uses in the immediate neighborhood.

10. The architecture of the subject structure is also in character with the rest of the row of structures adjoining it to the east and west. There will be no exterior changes to the building except for minor alterations to dress up the facade and improve its appearance and the small building addition on the rear of the structure to enclose a required stairwell.

11. Because the site lies in an historic district, all exterior modifications are subject to review and approval by the Joint Committee on Landmarks. This will insure that exterior design changes will be in harmony with the architectural character of surrounding uses.

12. The location of the site provides excellent access to public transportation. There are five bus routes on Connecticut Avenue, one block west, and five more bus routes on 16th Street, N.W., one block east of the site. The site is within 1400 feet of the Dupont Circle Metrorail station and 1900 feet of the Farragut North station.

13. The intersection of 17th and M Streets currently operates at a level of service "C", while the intersection of 17th Street and Massachusetts Avenue currently operates at a level of service "D". The applicant's traffic expert testified that the proposed use would generate very little traffic impact, and would not measurably impact traffic conditions in the area. The Board so finds.

14. There are no parking spaces presently on this property. No parking is required by the Zoning Regulations since the building was constructed prior to the adoption of the 1958 Zoning Regulations.

15. The parking need for the proposed office use is four spaces. Visitor needs will generate five automobile trips requiring an additional two parking spaces at any one time. This requires a total of six spaces for the proposed use. The previous use of the premises generated a parking need for three spaces per day. There is metered parking on N Street, 17th Street and Massachusetts and Connecticut Avenues as well as several commercial parking facilities within two blocks of the site.

16. There is presently a main central staircase in the middle of the building, extending through all three stories of the building. There is a second staircase at the rear, which does not extend to the third floor. Section 603.4 of the Building Code requires a second means of egress for the subject structure. In order to meet the Building Code requirements, the applicant requests a variance to permit the construction of an enclosed stairwell at the rear of the site. The applicant proposes to construct a third story addition over an existing two story wing at the rear of the structure to achieve this end. The addition will conform in configuration to the existing walls and court of the two story rear wing.

17. The existing building is non-conforming as to the court requirements of the SP-1 District. The proposed addition will not increase the degree of non-conformity.

18. No additional office space is contained in the proposed building addition. The addition contains only the stairwell, required by the Building Code, and a powder room.

19. The placement of the addition on top of the existing two-story wing is the only reasonable plan, since it is located directly above the existing flight of stairs. In addition, the applicant has stated his desire to protect the historic features of the front facade by placing this addition at the rear where it will not be visible from the street.

20. Under the applicant's proposal, the overall structure would have rear yard space in excess of that required for the SP-1 zone. The applicant's proposal will occupy less than the permitted lot occupancy, which is 100 percent, and will be under the allowed F.A.R. of 2.5.

21. The Office of Planning and Development, by memorandum dated February 13, 1981, and by testimony at the public hearing, recommended that the application be approved. The Office of Planning and Development noted that there are a wide variety of residential and non-residential uses in the immediate vicinity of this site. This specific property is adjoined on both sides by SP office uses and to the rear by an embassy. It was the opinion of OPD that the proposed office use will be in harmony with adjacent and nearby uses. As an existing structure, the OPD believed that the design will be in keeping with the scale and character of other nearby properties. In regard to traffic impacts, it was OPD's view that the proposed use will not cause unreasonable or objectionable adverse impacts. In regard to the requested court variance, the OPD noted that the applicant proposes to construct a third story addition to an existing two story appendage at the rear of the structure to provide a second means of egress for the third floor in conformance with the fire code. The addition will be constructed directly atop the existing lower two floors, will conform to the existing court dimensions and will not increase the amount of non-conformity. The Board agrees with the findings and recommendations of the OPD.

22. Advisory Neighborhood Commission - 2B, by statement dated February 18, 1981, opposed the application. The ANC's objections were premised on the assertion that the building should be used for housing rather than professional offices, where residential use is possible. The ANC argued that residential uses should not be eliminated from this area, and, that greater tax revenues would accrue if the structure were utilized for multiple residential, rather than office, use.

22. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. The subject application is for a special exception. The applicant is not required to demonstrate that the building cannot be used for residential purposes. The subject structure has not been used for housing since 1975, and approval of the application would not result in elimination of any housing. The argument as to tax revenue is not material to the decision on the application for a special exception. The Board notes, however, that the conclusions as to the tax benefits for residential use do not follow from the facts stated.

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 and a variance. In order to be granted the requested exception, 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 use in the subject building will be in harmony with existing uses and structures on neighboring properties. The use will not create dangerous or other objectionable traffic conditions. No special treatment in the way of design 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 Zoning Regulations and Maps.

As to the variance, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition or situation of the property which creates a practical difficulty for the owner. The Board concludes that the configuration of the existing structure is such a situation. In order to comply with Section 603.4 of the Building Code, the addition of a second fire stairway giving access to all three levels of the structure is required. The existence of the historic structure with its non-conforming court constitutes an extraordinary or exceptional situation or condition for purposes of granting a variance relief. The strict application of the Regulations will create a practical difficulty for the owner, by preventing the rehabilitation of the building. The Board concludes that the requested relief can be granted without detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The applicant's proposal will be in the public interest by providing for the rehabilitation of an historic structure in a manner consistent with adjoining properties.

It is therefore hereby ORDERED that the application is GRANTED.

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

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

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

FINAL DATE OF ORDER: 4 MAY 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.

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