

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13565, of Tucker, Flyer, Sanger, Reider and Lewis, P.C., as amended, pursuant to Paragraph 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 for a proposed addition to an existing office building in the SP-1 District at the premises 1728 Massachusetts Avenue, N.W., (Square 158, Lot 81).

HEARING DATE: September 30, 1981
DECISION DATE: October 7, 1981

FINDINGS OF FACT:

1. As originally advertised, the application sought a special exception under Paragraph 4101.44 and a variance from the closed court requirements to permit a two story addition to the premises 1728 and 1730 Massachusetts Avenue, N.W., on Lots 65 and 81. At the public hearing on September 30, 1981, the applicant advised the Board that it had revised the plans, that no new construction was envisioned for 1730 Massachusetts Avenue on lot 65 and that a closed court variance was not required. The Board permitted the applicant to amend the application.

2. The subject property is located on the south side of Massachusetts Avenue between 17th and 18th Streets, N.W. It is known as 1728 Massachusetts Avenue, N.W. It is in an SP-1 District.

3. The site consists of 2,834 square feet in land area and is presently improved with an existing three-story office building.

4. The applicant is presently permitted to use the building for law offices, pursuant to Certificate of Occupancy No. B-119790 issued June 5, 1981. The applicant will continue that use.

5. The applicant proposes to construct a first floor addition of approximately thirty square feet to the existing building at 1728 Massachusetts Avenue as shown on the plans marked as Exhibit No. 23 of the record. There will be no increase in the amount of gross floor area devoted to office use nor will there be any increase in the number of employees in the building. The addition is intended to provide a pass-through from 1728 Massachusetts Avenue to the

adjacent building at 1730 Massachusetts Avenue. Both buildings are owned and used together by the applicant.

6. The addition will result in no additional traffic generation from the site and will not create dangerous or other objectionable traffic conditions.

7. The addition will be only one story in height, and will not be visible from Massachusetts Avenue. The exterior of the building as viewed from the street will be retained in its present condition.

8. Square 158, in which the site is located, is characterized by a variety of SP office uses including the Peruvian Chancery, the Chilean Chancery and other qualifying office uses.

9. The proposed addition satisfies all the area and width requirements of the Zoning Regulations. The use, height, bulk and design of the addition are in harmony with existing uses and structures.

10. The application was referred to the Office of Planning and Development, as required by the Zoning Regulations, on June 25, 1981. No report from the OPD was received in the record.

11. No written report from Advisory Neighborhood Commission - 2B was received in the record.

12. The Dupont Circle Citizens Association appeared in opposition to the application at the hearing. The Association did not oppose to specific proposed addition. The Association noted that it was concerned that by approval of this application, the Board not establish a basis for future action or consideration from the Board.

13. The Board finds that all that is before it is a thirty square foot connection. Any future application will have to be judged on its own merit in accordance with the regulations in effect at that time.

CONCLUSIONS OF LAW AND OPINION:

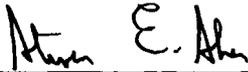
Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed addition will serve simply as a pass-through to connect the subject building with 1730 Massachusetts Avenue. The addition is in harmony with existing uses on neighboring

property. The Board concludes that the addition will not increase the amount of office use nor will there be any increase in the number of employees. Thus, no dangerous or other objectionable traffic conditions are anticipated. The Board further concludes that the special exception can be granted as it is in harmony with the general intent and purpose of the Zoning Regulations and will create no adverse affect on the use of neighboring property. The special exception can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan. Accordingly, it is ORDERED that the application as amended is GRANTED.

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

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JAN 11 1992

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.