

Government of the District of Columbia
ZONING COMMISSION



Application No. 13658, of Robert Cecilia Investment Corp., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the first through the fourth floors of the subject premises as professional offices in an SP-2 District at the premises 1314 Massachusetts Avenue, N. W., (Square 247, Lot 78).

HEARING DATE: January 27, 1982
DECISION DATE: January 27, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The application was on the Preliminary Calendar for the public hearing of January 27, 1982. By letter dated December 29, 1981, the applicant had requested that the case be rescheduled since he would be out of town on the scheduled hearing date. At the public hearing, Mr. John Verburg presented a letter of authorization from the applicant and stated that he was prepared to present the case on behalf of the applicant. The application was heard as scheduled.

2. The subject property is located on the south side of Massachusetts Avenue between 13th Street and Thomas Circle, N. W. and is known as premises 1314 Massachusetts Avenue, N. W. It is zoned SP-2.

3. The subject property is improved with an eight-story, brick apartment building containing sixteen one-bedroom units and sixty-one efficiencies.

4. The site is rectangular in shape and measures sixty-five feet in width by 140 feet in depth. It abuts a fifteen foot wide public alley to the west and a fifteen foot public alley to the south. To the east is an SP-type office building occupied by the U. S. Catholic Conference. Across the alley to the west is a nursing home. The property to the south which fronts on alleys in the square is developed with commercial and warehouse type uses. The north side of Massachusetts Avenue, in this block is developed with apartment buildings and SP-type office uses.

5. The applicant proposes to use the first through fourth floors of the building for small commercial office uses. The applicant who is in the real estate business, would like to locate his office in the subject building.

6. The applicant is seeking a special exception under Paragraph 4101.44 of the Zoning Regulations. Under that paragraph the applicant must demonstrate that:

- a. The use, height, bulk and design are in harmony with existing uses and structures on neighboring property.
- b. The use will not create dangerous or other objectionable traffic conditions.

7. The applicant will rent the existing apartments as commercial offices as they become vacant. He does not intend to evict any tenants or to raise the rents. There are no drawings or plans on file detailing the conversion of the apartments on the first through fourth floors to office use.

8. The building is served by two elevators, one manual and one automatic. Both of these elevators have access to all floors in the subject building. There is no system in the building at present which would prevent users of and visitors to the proposed office space from penetrating the floors used exclusively for residential use.

9. The existing building on the site is non-conforming in that there is no parking available on the site. The SP-2 District requires one parking space for each four dwelling units and one space for each 1800 square feet of office space beyond the first 2000 square feet. In the present case, forty-three apartments would be replaced with 24,156 square feet of office space. The Zoning Regulations require 12.3 parking spaces for office space, less the 10.7 spaces required for the forty-three apartments to be eliminated, resulting in a net requirement of two spaces. By letter dated September 16, 1981, (Exhibit No. 4 of the record), the applicant indicated that the requirement for parking can be met by the use of the unimproved but paved areas to the rear or west side of the property. There is no parking on Massachusetts Avenue in front of the building. There are several commercial parking lots on L Street, between 13th and 14th Streets, N. W.

10. The applicants' representative testified that the maximum FAR of 3.5 for office use would allow 31,850 square feet of office space. The applicant is requesting to use 24,156 square feet for offices.

11. At the close of the applicant's case in chief, the Board on its own Motion denied the application for failure of the applicant to meet the burden of proof. There was no further testimony or evidence admitted to the record, though

there was opposition present and a report from the Office of Planning and Development.

12. The applicant failed to provide substantial probative evidence that the proposed use in the subject building is in harmony with existing uses and structures on neighboring property. Other than an indication that two parking spaces would be provided, the applicant did not address at all the potential impact on traffic in the area.

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 to use the first thru fourth floors of the subject premises as professional offices. The Board, in order to grant this relief through the special exception process, must have substantial evidence introduced that the applicant has complied with Paragraph 4101.44 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has introduced no more than a scintilla of evidence to the record purporting to satisfy the Zoning Regulations. No probative evidence has been given that the proposed use is in harmony with existing uses and that the proposed use will not create dangerous or otherwise objectionable traffic conditions. The Board further notes that the applicant's proposed use of a real estate office is not one of the type of offices enumerated under Paragraph 4101.44. Accordingly it is ORDERED that the application is DENIED.

VOTE: 5-0 (Douglas J. Patton, Connie Fortune, William F. McIntosh, John G. Parsons and Charles R. Norris to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 28 1982

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."