

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13668 of the Marjorie Merriweather Post Foundation of D.C., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3101.1) to continue the operation of a museum and the construction of two buildings in an R-1-A District at the premises 4155 Linnean Avenue, N.W., (Square 2245, Lot 800).

HEARING DATE: February 10, 1982

DECISION DATE: February 10, 1982 (Bench Decision)

FINDINGS OF FACT:

1. By letter dated November 20, 1981, the applicant requested an expedited hearing on this case. The Board, at its public meeting of December 2, 1981, denied the request because it did not find the applicant's reasons to be of sufficient merit to warrant an advance of this application over other applications filed prior to this one.

2. The subject site is located between Linnean Avenue to the west and Broad Branch Road and Rock Creek Park land to the east. It is known as premises 4155 Linnean Avenue, N.W. It is in an R-1-A District.

3. The site consists of a large estate of 24.5 acres and includes the main residence building (the Hillwood Museum), gift shop building, dacha (the Russian Art collection), C.W. Post exhibit building and other miscellaneous buildings, formal gardens, open space and woodland.

4. In 1968, Mrs. Marjorie Merriweather Post deeded the estate and collections to the Smithsonian Institution, subject to her retention of a life-time interest. Upon her death in 1973, the Smithsonian began preparations to operate the estate as a public museum. On July 1, 1976, the Smithsonian, being unable to resolve all of its operational problems, returned Hillwood and its collections to the Marjorie Merriweather Post Foundation of D.C. The Foundation then decided to operate the estate as a specialized public museum with the endowment left by Mrs. Post for this purpose.

5. In BZA Order No. 12297, dated April 15, 1977, the Board granted the applicant permission to use the site as a museum. Among other conditions, the approval was limited to

a period of five years. The applicant is now seeking a permanent variance for the operation of the museum. In addition, the applicant is seeking a variance for the construction of two buildings to be accessory to the museum operation. The applicant plans to build a structure to house an Indian artifacts collection and a structure to serve as a tearoom gift shop. The Indian artifacts collection building is designed as a rough cut adirondack style cabin, built of log siding. The building will be located to the northeast of the existing Dacha building. The Indian artifacts collection building is proposed to be approximately thirty feet by fifty feet in dimension. The proposed tearoom/gift shop building will add a necessary service to the visitors of the estate not previously provided. The tearoom building would be constructed to blend with the other buildings on the estate, architecturally. The building will be a place for Hillwood visitors to rest, view the grounds and eat light refreshments served from a proposed kitchen. Restrooms will also be provided in the building. The building will be located in the center of the complex between the main residence to the west and an existing office building and parking area to the east.

6. There is adequate parking on the site for visitors and staff in compliance with Article 74 of the Zoning Regulations. There are two driveways leading to the parking area from Linnean Avenue. The applicant proposes to widen the driveway entrances and two bus bays will be provided in the parking area to eliminate bus-unloading impacts on Linnean Avenue and to discharge visitors closer to the museum. The site's heavy tree cover screens the development from neighboring properties and streets.

7. The Foundation will continue to operate the museum on a pre-arranged group tour basis. Daily tours will be limited to no more than eight. BZA Order No. 12297 limited the number of visitors to the site per day to 200 and the number of people per tour to twenty-five. The applicant proposes to increase the number of people per tour to thirty. The applicant does not propose to increase the number of visitors per day. Each tour group is separated into three or four individual groups, each group accompanied by a trained guide. The hours of operation will be from 9:00 a.m. to 6:00 p.m., five days a week.

8. Hillwood will be used to display the art collections, gardens, and associated buildings which constitute the estate as a whole. The museum and grounds will only be used for such activities as directly support that purpose. Hillwood will not be available to any outside group for any type of social function.

9. The Office of Planning and Development reviewed this application and recommended approval. The OPD was of the opinion that the previous Board findings in Order No. 12297 express the still valid hardship justification necessary to grant a use variance. The OPD further reported that the continued operation and construction of the two additional dwellings will not cause substantial adverse impacts on the surrounding area and will not substantially impair the intent, purpose and integrity of the Zoning Regulations. The Board concurs in the OPD report.

10. The applicant submitted a letter from Advisory Neighborhood Commission 3F dated September 15, 1981 in which the ANC recommending that the variance be extended on a permanent basis. However, the letter was unsigned. (Ex. #42-H-1). The Board is required by statute to give great weight to the issues and concerns of the ANC when the recommendation is reduced to writing and signed. This is not the situation in the subject application.

11. The Forest Hills Citizens Association, by letter dated November 9, 1981, supported the application on the grounds that the museum has proven to be an asset to the community and the requested tearoom and small shop will enable it to serve its clientele more generously.

12. There was no opposition to the application. Numerous letters of support were submitted for the record. Several neighbors appeared at the public hearing in support of the application. The basic grounds for support were:

- a. The museum is a unique and valuable cultural asset to the community.
- b. The use has existed for five years and has not presented a traffic problem or interfered with the residential character of the neighborhood.
- c. The proposed construction will enhance the enjoyment of the museum by visitors.
- d. Security at the museum adds to the protection of the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the requested use variance and the construction of two buildings would be compatible with the R-1-A District. The proposed continued operation of Hillwood and the construction of two buildings will not constitute any greater intrusion in that residential district than uses permitted as a matter of right such as churches, embassies and public schools. This

conclusion is based on the five year operating experience of Hillwood. A permanent variance will allow the preservation of this unique civic asset and its extensive grounds in their existing form. The construction of the tearoom and the small building to house an Indian artifacts collection will enhance the existing ambience of the site. The unique character of this museum, which could not be duplicated, derives from the combination of the collections, the buildings on the estate in which they are housed, and the surrounding gardens and grounds, all of which constitute a unified whole. The extraordinary and exceptional situation and condition of Hillwood results in peculiar and exceptional practical difficulties to and undue hardship upon the Foundation if the Zoning Regulations are strictly applied. Grant of a variance to operate the property as a museum will alleviate the hardship to the owners of the property, will not be a substantial detriment to the public good, and will not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations. Rather, it will be a positive contribution to the public good and promote the intent, purpose and integrity of the zone plan by promoting an attractive, livable and interesting city.

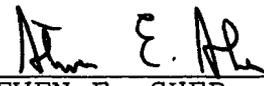
It is therefore ORDERED that the application be GRANTED subject to the following CONDITIONS:

1. All parking shall be on the premises and not visible from public streets.
2. Visitors shall be admitted by appointment only.
3. No more than 200 visitors shall be allowed on any single day.
4. Visitors shall be limited to no more than thirty persons for each visitation period which shall be scheduled on a staggered basis during the hours of operation.
5. The museum shall open no earlier than 8:30 a.m. and no tour shall be scheduled to end later than 6:00 p.m.
6. The museum shall be open to the public no more than five days a week.
7. The premises shall not be made available to any outside group for any type of social function.
8. Security for the premises shall be provided twenty-four hours a day, seven days a week.

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

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

APR 13 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."

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.