

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13690, as amended, of Richard Stauffer, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-sections 5303.1 and 7615.2) to construct a three and one half story building containing three apartments and commercial space in a C-2-A District at the rear of premises 1232 - 31st Street, N.W. and for variances from the prohibition against enlarging a structure devoted to a non-conforming use (Sub-section 7107.1) to construct a proposed addition to an existing flat in an R-3 District at the rear of 1236 - 31st Street, N.W., both on a single subdivided lot of record (Square 1208, Lot 53).

HEARING DATE: April 14, 1982

DECISION DATE: April 14, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is within a complex of buildings known as Hamilton Arms at 1220 to 1236 31st Street, N. W., bounded by 31st Street on the east, the Fifth Church of Christ Scientist on the north, Congress Court, an alley, on the west, and Oak Alley and 1218 - 31st Street on the south. The property lies north of M Street and south of N Street across from the Georgetown Post Office.

2. The two structures which are the subject of the application are known as rear 1232 31st Street, located in a C-2-A District and rear 1236 31st Street, located in an R-3 District.

3. As advertised, the application also requested variance relief from the prohibition against allowing an addition to a flat which exceeds the lot occupancy requirements of the R-3 District. As indicated in the revised plans filed with the Board on April 14, 1982, the building dimensions have been recalculated so as to fully comply with the percentage of lot occupancy requirements. Accordingly, the applicant requested that the application be amended to withdraw this area of relief. The Board granted the request.

4. The site consists of approximately 20,000 square feet of land area and is developed with an existing three story commercial building at 1232 31st Street, two

commercial two and one-half story buildings at 1220-1222 and 1226 - 31st Street N.W., and a two-story structure at the rear of 1232 31 Street. This latter building is occupied as a flat. North of the site is a church building, the Fifth Church of Christ Scientist, with a parking area in the rear of an alley, followed by Congress Court and row dwellings in the R-3 District. East across 31st Street is an apartment house, row dwellings and a post office building in the R-3 District. South adjacent to the site is the two-story Post Newsweek Station Inc. building in the C-2-A District, followed by various commercial establishments in the C-2-A District. West, across a twenty foot wide alley, there is a paved parking lot serving a bank which fronts on Wisconsin Avenue in the C-2-A District.

5. The applicant proposes to develop the subject property with two galleries, a shop, and office space and two apartments in the C-2-A zoned portion of the site and continue the non-conforming use of a flat in the R-3 zoned portion of the site. The applicant's plans call for the theoretical subdivision of the subject Lot 53 into four parcels distinguished as Lots 1 through 4. The lots will be developed as follows:

Lot 1 is improved by 1232 31st Street, N. W., an existing three-story commercial building.

Lot 2 presently contains two commercial, two and one-half story buildings, 1220-1222 and 1226 31st Street, N. W. The applicant proposes construction of a new three-story plus mezzanine brick building over a one level parking garage. A terrace over the second floor joins to the existing 1220-1222 31st Street, N. W. The applicant plans two galleries, a shop, office space and two apartments as uses for the buildings.

Lot 3, presently unimproved, will contain three apartments and commercial space within a brick three and one half story building over a one level parking garage with a single level storage area. The building will be addressed as rear 1232 31st Street, N. W.

Lot 4 presently contains a structure devoted to a non-conforming use, a two-family flat in an R-3 zone, at 1236 rear 31st Street, N. W. The applicant proposes continuing the flat use and making structural alterations including adding a roof addition and installing underground parking spaces.

6. The Zoning Administrator has determined that the project complies with the number and design of the off-street parking requirements of Article 74, through the construction of an underground parking garage with access via the twenty foot wide alley to the south of the site.

7. The architectural design of the project has been given preliminary approval under a conceptual design review by the Commission of Fine Arts and the Joint Committee on Landmarks.

8. The entire complex of buildings was constructed during the period from approximately 1850 until approximately 1910. The property was assembled by the Brinkley-Reid family in the mid 1940's to the 1950's and over a twenty-five year period, numerous additions and other alterations were made to the buildings, often without regard to permits or structural considerations.

9. The two buildings which are the subject of this application are part of the overall design plan for Hamilton Arms which was extensively reviewed by both the Commission of Fine Arts and the Joint Committee on Landmarks from 1978 until 1980. This plan received conceptual design approval in September of 1980 from both agencies. Documentation of the proceedings before and action taken by both the Commission of Fine Arts and the Joint Committee on Landmarks was filed by the applicant as Exhibits I through O of the applicant's statement.

10. Because of its location in the Georgetown Historic District, the property is subject to dual review by both the Commission of Fine Arts and the Joint Committee on Landmarks. The historic character of Hamilton Arms requires that certain of the existing buildings be restored and others be reconstructed in the same configuration as before. Since most of these existing buildings are nonconforming uses and structures, variance relief is required.

11. The requested rear yard variance is for the structure located at the rear of 1232 31st Street. The former structure was an 1864 row dwelling that was nonconforming in that it did not provide the required rear yard. Based on inspections by the applicant's engineer as well as the City Building Inspectors, it was determined that the former structure located at the rear of 1232 31st Street was structurally deficient and in dangerous condition. Accordingly both the Commission of Fine Arts and the Joint Committee on Landmarks approved demolition of this structure.

12. Demolition of the building located at the rear of 1232 31st Street was conditioned on reconstruction of the building in the same configuration as before for essentially two reasons. First, both the Joint Committee on Landmarks and the Commission of Fine Arts felt that the existing flat front facades of the alley buildings should be retained as an important characteristic feature of Georgetown. Second, setting the buildings back to provide the required rear yard decreased the amount of space within the center of the

property and it was felt that this spatial interest should be preserved. In light of the action taken by both the Joint Committee on Landmarks and the Commission of Fine Arts, it is impossible for the applicant to proceed with its approved reconstruction plans without the requested rear yard variance.

13. The requested variance from the provisions of Paragraph 7107.21 is also required to implement the plans approved by both the Joint Committee on Landmarks and the Commission of Fine Arts. The building located at the rear of 1236 31st Street, N. W., presently has a flat roof out of character with the remaining buildings in Hamilton Arms. In order to bring the building into character with the others and to preserve the symmetry of the sloping roof lines, it was recommended by both the Joint Committee on Landmarks and the Commission of Fine Arts that a roof be added to the structure. Since the structure is devoted to a nonconforming use, the addition of the roof requires a variance from the provisions of Paragraph 7107.21.

14. The granting of the requested variances is in the public interest in that it will permit reconstruction and restoration of existing buildings in compliance with the requirements of the Building Code and would also enhance the historic character of the Hamilton Arms property in particular, and the Georgetown Historic District in general.

15. Even with the requested rear yard variance, adequate light and air will be provided for the tenants of the reconstructed building due to the fact that the building will abut a twenty foot wide alley and will also be set back on the upper floors where the apartment units are located. Additionally, building the structure on the alley lot line provides more interior space for a landscape garden area for all residents of Hamilton Arms to enjoy.

16. The proposed addition of a sloping roof to the building located at the rear of 1236 31st Street is also an improvement over existing conditions. The addition adds a loft area of approximately 263 square feet to the building which improves the interior living space for the residents and also enables the applicant to provide a deck for the enjoyment of the tenants.

17. The Office of Planning and Development in its report dated April 9, 1982, recommended that the application be approved. The OPD was of the opinion that there are exceptional situations of this property whereby strict compliance with the Zoning Regulations creates practical difficulties in its development. The OPD noted that the subject site is developed with pre-1958 structures and is located within a historic district whose development is subject to Commission of Fine Arts review. The practical

difficulty in this application directly related to the preservation of an architectural design at this site which could not be achieved or supported by the Commission of Fine Arts without variance relief. The non-conforming status of the structures on this site and their proposed usage will not in OPD's view cause adverse impacts on the surrounding properties, but will instead maintain the historic placement and facade design of the buildings, improve the physical condition of the existing building on Lot 2, add to the symmetry of the project's roof line, and increase the square footage of living and recreational space of the flat and apartment units. The OPD further noted that the existing structure on Lot 4 is located in the R-3 District, was built in approximately 1920 as a flat, and has been occupied as such continuously to the present; hence its non-conforming status. The applicant's proposal includes adding a hip roof loft addition to this building's existing flat roof. This addition is being done in order to make consistent the roof lines of the total development from a visual perspective as well as to comply with the approved design plans of the Committee of Fine Arts. The proposed roof addition will not exceed the R-3 height limitation of forty feet, nor will it in the OPD's view create an objectionable condition from a light and air point of view. As to the rear yard variance, OPD noted that the Commission of Fine Arts' approval is conditioned to the affected structure's location being adjacent to the rear property line for historic preservation reasons. The OPD believed that this exceptional situation is the basis for a finding of practical difficulty, and that it can be supported as no adverse impacts will affect the project's inhabitants or adjacent properties. The first floor of this building will be in commercial office usage which would not suffer from the loss of a rear yard as would a residential unit. The apartment units proposed for the upper stories are terraced back from the alley to allow for recreational space off of exterior decks. The requested variance will not, in OPD's opinion, adversely effect the light and air of the C-2-A zoned properties to the west given the twenty foot alley separation and the terraced design of the building. The OPD was of the opinion that this application can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zoning Regulations. The Board concurs in the findings and recommendations of the OPD.

18. Advisory Neighborhood Commission-3A made no recommendation on the application.

19. The Fifth Church of Christ Scientist, the property directly to the north of the site, by letter of April 9, 1982 (EX. 38 of the record) and at the public hearing recommended that the application be approved.

CONCLUSIONS OF LAW AND OPINION:

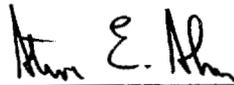
Based upon the above Findings of Fact and evidence of record, the Board concludes that the applicant has made the required showing for the requested variance relief. The requested variance relief to permit reconstruction of an historic building without a rear yard and also an addition to a structure devoted to a nonconforming use are area variances, the granting of which requires a showing of practical difficulties. The Board concludes that the location of the property in an historic district, the location and configuration of the existing buildings, and the conditions imposed by both the Commission of Fine Arts and the Joint Committee on Landmarks during the course of the preliminary review process constitute practical difficulties for the owner.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, It is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Connie Fortune, Walter B. Lewis and Douglas J. Patton to grant, Charles R. Norris not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUL 29 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.