

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13740, of the University Women's Club, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the subject premises as SP office uses and for a variance from the gross floor area requirements (Sub-section 4301.1) in an SP-1 District at the premises 1708 New Hampshire Avenue, N.W., (Square 153, Lot 804).

HEARING DATE: April 28, 1982
DECISION DATE: May 5, 1982

FINDINGS OF FACT:

1. The subject property is located at 1708 New Hampshire Avenue, N.W., between R Street and Riggs Place, N.W. It fronts on New Hampshire Avenue, N.W. Its rear boundary is a fifteen foot wide public alley. Lots 803 and 74, to its north and south respectively, both of which are improved with existing structures, form its side boundaries.

2. The site has an area of 2,985 square feet. It is improved by a structure that was built in 1910 as a single family house but has been used as a private club since 1951. The site is located in an SP-1 Zone District.

3. The land use in the vicinity of the subject site is medium density, mixed use development which includes embassies, professional offices, chanceries, apartments and townhouses. All the buildings north and south of the site in Square 153 are used for nonresidential purposes in conformity with the SP-1 District. Immediately north of the subject property along New Hampshire Avenue are the National Headquarters' Offices of the Jewish War Veterans, the Embassy of Rwanda and the law offices of Robert Losch. Immediately south of the subject property along New Hampshire Avenue are the law offices of R. Scott Faley, a parking lot, and Military Offices of the French Government. Immediately across the street from the site, there are a variety of uses including the St. Charles Hotel, a sorority house, the offices of the American Anthropological Association and apartment buildings.

4. The present use of the subject site is for a private club. This club, the University Women's Club, is a non-profit organization which provides educational programs for its members, holds weekly meetings and luncheons, and provides transient housing for its members in the building. The building has approximately fifteen rooms available for overnight stays in the Washington area.

5. The applicant proposes to restore and renovate the existing structure, without making alterations, for use as law offices. The existing building contains 8,513 gross square feet on five floors and is approximately sixty feet in height. The building, designed by T.J. Fuller, was built in 1910. It is an Italian Revival style structure located in the Dupont Circle Historic District.

6. Robert Blair, Esquire, a partner in the law firm of Anderson, Hibey, Nauheim & Blair ("AHNB") and his three partners are the contract purchasers of the subject site. The firm is currently located approximately one and a half blocks from the subject site in leased space at 1605 New Hampshire Avenue, N.W. He stated that it was the firm's intention to own, and occupy, 1708 New Hampshire Avenue and that the partners did not intend to make any exterior alterations to the building. The firm represents clients primarily from out-of-town, and therefore, there will not be a continuous stream of clients, consultants or other lawyers visiting the offices.

7. The firm sent over seventy letters to neighbors in the immediate vicinity of 1708 New Hampshire Avenue and called or visited a substantial number of them to discuss the application. The firm received approximately forty responses to its letters and phone calls and not one of the responses indicated that the neighbors were opposed to the firm's relocating to 1708 New Hampshire Avenue or to utilizing that building for offices.

8. Mr. Blair testified that approval of the application would ensure that the building would be renovated and restored in an attractive and pleasing manner. He also testified that the application, if granted, would further a number of District of Columbia goals and policies by allowing the restoration and reuse of an existing historic building, allowing for the relocation of an existing business within the neighborhood, broadening the District's tax base and enhancing the quality of the Dupont Circle area. He testified that because of client confidentiality and security, it would be impossible to utilize a portion of the building, as it currently exists, for residential use. The firm would thus have to shut off that space and not use it for any purpose. This, he testified, would create an economic hardship that is unnecessary and unreasonable. The Board so finds.

9. The applicant's proposal is consistent with the basic goals and objectives for the area and the city as enumerated in the District of Columbia Comprehensive Goals and Policies Act of 1978. The applicant's proposal will allow for the renovation and reuse of a building in an historic district, which is easily accessible by public transportation and which would provide an effective buffer between the existing downtown commercial uses and the residential uses north of the site. It will allow the utilization of the existing building in a manner that is consistent with the aesthetic character of the neighborhood while broadening the public tax base. In addition, renovation of the interior of the building will allow the applicant to refit the building with an energy efficient conservation system while allowing for retention of an existing business in the area and providing for moderate employment growth of that business.

10. The 1700 block of New Hampshire Avenue is an outstanding example of turn-of-the-century architecture. All the buildings were built within a span of approximately fifteen years and form a distinctly unified urban architectural composition. The limestone facade is ornate with rich detail and the main rooms on the second floor are open spaces which lend themselves to ready conversion to office use. The reception, living and dining rooms are paneled and include ornamental cornice works, decorative light fixtures and richly carved fireplaces. The building is structurally sound, but the interior has been subdivided in an unsystematized way and is in poor condition. Its hallways are currently less than minimum D.C. egress requirements and the kitchens exhibit numerous health code violations.

11. The applicant's architect testified that the site is suitable and appropriate for limited office use. This row of buildings, representing a single element of turn-of-the-century architecture, is unique and should be preserved and protected. He had reviewed all the uses allowed in the SP-1 zone and determined that all but limited offices would require considerable alteration to the building to satisfy their special needs as well as to accommodate various Building and Fire Code provisions. He believed that the most compatible use of the building is limited office as allowed in the SP-1 District. The Board so finds.

12. The architect further testified that the project is consistent with the intent and purposes of the Zoning Regulations and the SP-1 District and that the application and proposed development complies with Paragraph 4101.44 of the Zoning Regulations. He stated that the use, height, bulk and design of the building are in harmony with the existing uses and structures on neighboring property and the use will not create any dangerous condition.

He believed that the proposed office use will fill out the land use pattern that exists in this square and this area of New Hampshire Avenue and that renovation and reuse of this building will allow it to be restored and maintained in a mode that is compatible with the existing neighborhood and in keeping with its historic past. He testified that the proposal and granting of this special exception would not adversely affect the present character or future development of the neighborhood. The Board so finds.

13. The application requests a variance from the gross floor area requirements, Sub-section 4301.1, of the SP-1 District. While the SP-1 District allows a building with a maximum FAR of 4.0, only 2.5 FAR is permitted for limited office use. The existing building has an FAR of 2.85. Therefore, while the entire structure does not exceed the permitted bulk in the SP-1 District, approximately .35 FAR, which is approximately one-half of a floor, could not be used for office use.

14. The applicant's architect argued that this small amount of gross floor area could not be utilized as residential space because it would require significant alterations to the building to accommodate various Fire and Building Code restrictions. Further, he believed that these alterations would detract from the character and integrity of the building and its relationship to its adjacent buildings. He concluded that the exceptional situation of the property, namely, the existence of a building of historic and architectural merit, presents exceptional practical difficulties to the applicant which justifies the granting of the variance. Further, he believed that the variance, if granted, would not be substantially detrimental to the public good nor would it impair the intent, purposes and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board so finds.

15. The applicant's traffic planner and engineering consultant testified that the site could accommodate five parking spaces. He stated that as a matter-of-right no parking spaces are required. He testified that based on a survey he conducted of AHNB's law practice and personal observation, automobile traffic caused by this project would be negligible and not create an adverse situation. He stated that public transportation, bus and subway, was readily available to the subject site and that the proposed use is significantly less intense than the current use. He concluded that the proposed use meets the standards of Sub-paragraph 4101.442 of the Zoning Regulations that granting of the application would not create any dangerous or other objectionable traffic condition. The Board so finds.

16. The Office of Planning and Development, by memorandum dated April 23, 1982, recommended that this application be approved. The OPD noted that the height, bulk and design of the existing building would not be changed and that it is currently in harmony with existing uses and structures on neighboring property. Further, OPD indicated that the use will not create dangerous or other objectionable traffic conditions since there is appropriate on-site parking because no exterior changes are anticipated. The OPD recommended that no special treatment in the way of design, screening, or signs or other facility is necessary to protect the value of the neighboring property because no exterior changes to the building are anticipated. The OPD also indicated that the proposed variance, if granted, would not be detrimental to the public good. The OPD was of the opinion that the existing single stair ingress and egress and corridor design of the premises creates problems for separating an office use from a single residential unit and that alteration in the way of adding a staircase would detract from the character and integrity of the building. The OPD testified that granting of the variance would not cause a substantial adverse impact on the area or impair the intent, purpose and integrity of the Zoning Regulations. The OPD found that the proposed application meets the provisions of Paragraph 4101.44 of the Zoning Regulations and that practical difficulties, because of the existence of the improvement on the subject property, place an undue hardship on the owner and that strict compliance with the FAR requirements would be unreasonable. The OPD recommended the application be approved in its entirety. The Board concurs in the OPD findings and recommendation.

17. Advisory Neighborhood Commission 2B made no recommendation on the application.

18. The Dupont Circle Citizens' Association opposed the application. The DCCA opposed the project because it removed potential residential use from the neighborhood. Ms. Sellin testified that the Dupont Circle area had lost over 5000 residents in the preceding ten years and that allowing office uses in buildings such as this would continue this loss. Further, she opposed granting the variance because it would extend the office use into that portion of the building that she believed should be used for residential purposes.

19. Two persons, Reverend Francis Schemel of the Society of Jesus, Administrator for the Leonard Neale House at 1726 New Hampshire Avenue on behalf of the fifteen other residents of the Neale House, and Alex Tyrteous, a resident of 1713 Riggs Place, N.W., testified in support of the application.

20. The Board received from the immediate neighborhood fifteen letters and one petition signed by ten people that supported the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record and the above Findings of Facts, the Board concludes that the applicant is seeking a special exception to utilize an existing structure for SP office use. In order to grant the special exception requested, the applicant must meet the provisions of Paragraph 4101.44 of the Zoning Regulations. The use is in harmony with surrounding uses, the height and bulk of the building are compatible with adjoining structures in the block, and no adverse traffic conditions will result.

The Board further concludes that the special exception requested is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not have any adverse effect upon the surrounding properties and that the use requested is consistent with the intent and purposes of the Zoning Regulations.

As to the variance relief, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary situation or condition of this property which causes a practical difficulty for the owner. The Board concludes that because of the exceptional situation and condition of the property, namely the existence and configuration of the subject structure and its historic nature, strict application of the gross floor area requirements in an SP-1 District would result in practical difficulties to the applicant. The Board further concludes that the variance will not be detrimental to the public good nor impair the intent, purposes or integrity of the zone plan as embodied in the Zoning Regulations and Map.

As to the arguments raised in opposition by the Dupont Circle Citizens Association, the Board concludes that the applicant is not required to prove that the building cannot be used for residential purposes. The applicant is not seeking a use variance. To be granted the special exception, the applicant must demonstrate compliance with Paragraph 4101.44. The Board has already concluded that the applicant has so demonstrated.

Accordingly, it is ORDERED that the special exception and the variance are hereby granted SUBJECT to the CONDITION that the premises shall be occupied solely by the law firm of Anderson, Hibey, Nauheim and Blair.

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

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 20 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.