

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13897 of I and R Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to permit an addition to a professional office building and for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the allowable floor area ratio (paragraph 7107.21), the floor area ratio requirements (Sub-section 4303.1 and Paragraph 7107.23), the rear yard requirements (Sub-section 4303.1 and Paragraph 7107.22) and the off-street parking requirements (Sub-section 7202.1) for a proposed addition to an existing professional office building in an SP-1 District at premises 1513 - 16th Street, N. W., (Square 194, Lot 13).

HEARING DATE: January 19, 1983.  
DECISION DATE: February 2, 1983.

FINDINGS OF FACT:

1. The subject property is located on the east side of 16th Street, N.W., between Church Street and P Street approximately one and one-half blocks north of Scott Circle. It is known as premises 1513 - 16th Street, N.W. The site is zoned SP-1.

2. The subject property is rectangular in shape and contains approximately 2,375 square feet in land area. It is improved with a four-story stone row structure. The structure was originally built about 1895 as a single family residence. The structure is in an historic district.

3. In BZA Order No. 13396, dated February 17, 1981, the Board granted a special exception to use all floors of the subject premises as professional offices and for variances from the floor area ratio requirements and the off-street parking requirements. The record in BZA Application No. 13396 is hereby incorporated by reference.

4. The restoration of the subject structure was completed in December, 1982, and a certificate of occupancy for the use of the premises as professional offices has been issued in accordance with BZA Order No. 13396. The premises are presently occupied by the law firm of Israel and Raley.

5. The applicant proposes to construct an addition to the rear of the existing structure containing 1,544.28

square feet to provide additional office space and an elevator. The applicant also proposes to replace the existing fire escape with an exterior semi-enclosed stairway.

6. In order to accomplish the foregoing, the applicant requests a special exception to permit an addition to the existing professional office building. The applicant is also seeking variances from the prohibition against allowing an addition to a non-conforming structure, the floor area ratio requirements, the rear yard requirements and the off-street parking requirements.

7. To the north of the subject site there is a four story brick and stone semi-detached building and carriage house in the SP-1 District which is used for residential condominium purposes. To the east there is a four foot wide public alley followed by the rear yards of row dwellings fronting on Church Street and a paved parking lot, further followed by St. Luke's Church at 15th and Church Streets in the R-5-B zone. To the south is a three story semi-detached structure used as a residence, a ten foot wide alley, row dwellings and apartments followed by P Street, across which is the Carnegie Institute of Washington, all in the SP-1 District. To the west is Sixteenth Street, followed by apartments and the Foundry Methodist Church in the SP-1 District.

8. The immediate area of 16th Street from Scott Circle to Q Street contains a variety of uses. They range from the National Wildlife Federation building to the Carnegie Institute, apartment houses and buildings containing professional and non-profit organization offices.

9. As noted in Finding of Fact no. 3, the Board previously granted a special exception to use the subject building as professional offices in BZA Order No. 13396. In addition, that order granted variance relief from the floor area ratio and off-street parking requirements. The applicant now seeks additional variance relief from the floor area ratio requirements of 1,807.736 square feet. The allowable floor area ratio for the subject site is 6,801.55 square feet. The total floor area ratio proposed is 8,609.286 square feet. A variance of 2,671.786 square feet or 44.998 percent is therefore required. The existing building presently exceeds the permitted FAR by approximately 900 square feet.

10. The applicant is seeking a variance from the off-street parking requirements. The Zoning Regulations require the provision of four spaces for an office building of the size proposed in an SP-1 District. The applicant does not propose any on-site parking to serve the use. The applicant has contracted to lease six off-street parking spaces in square 194 to be used by the occupants of the

building. There is no vehicular access to the rear of the subject site through the existing four foot alley or from 16th Street. Parking in the front yard would necessitate a curb cut on 16th Street, the removal of a mature tree located in public space and approval from appropriate District authorities.

11. The proposed addition to the existing structure will occupy the entire rear yard of the premises. The Zoning Regulations require a twelve foot rear yard in order to provide adequate light and air to adjacent properties. No rear yard will be provided. The proposed addition is planned for the rear of the structure in order to preserve the historic and architectural integrity of the 16th Street facade.

12. The proposed addition will permit the applicant to provide an elevator in the existing structure which would comply with the D.C. fire regulations and provide for efficient, convenient and sufficient secretarial space. The provision of the elevator and rearrangement of office space within the confines of the existing structure would destroy the historic architectural features of the interior of the building.

13. A neighboring property owner testified in opposition to the application stating that there are severe parking problems in the area of the subject site and that the applicant presented no evidence or testimony to dispute that there will be an adverse impact on neighboring properties by virtue of granting a parking variance.

14. The Stonesdale Corporation, owner of 1515 16th St. N.W., adjacent to the subject site, opposed the application. The opposition's architect was qualified as an expert witness and testified that the proposed addition would adversely affect the light and air which would reach the Court area of 1515 16th Street.

15. A representative of the Dupont Circle Citizens Association appeared at the public hearing in opposition to the applicant. The position of the Association was that the applicant had failed to satisfy the burden of proof necessary for the requested variances as specified in the Zoning Regulations and in the Court of Appeals decision in Palmer v. District of Columbia Board Zoning Adjustment, 287 A.2d 535 (D.C. App., 1972).

16. Advisory Neighborhood Commission 2B requested a waiver from Section 108.6 of the Supplemental Rules of Practice and Procedure which requires that the written report of the advisory neighborhood commission be submitted to the Board at least seven days prior to the public hearing. The ANC representative testified that the notice of the

public hearing was not received by the ANC in time for the case to be considered before its meeting of January 12, and therefore, the report could not be submitted seven days prior to the hearing. The Chairman granted the ANC's request for a waiver.

17. The Advisory Neighborhood Commission 2B report, dated January 14, 1983, stated that the ANC voted unanimously to oppose the application based on the failure of the applicant to meet the burden of proof necessary for the granting of the requested relief. There is no intrinsic characteristic of the subject property which merits an area variance. The light and air of adjacent buildings will be impaired. The use will further usurp the supply of on-and off-street parking spaces in the neighborhood.

18. In addressing the issues and concerns of the Advisory Neighborhood Commission and the opposition, the Board finds that there is no practical difficulty or exceptional situation affecting the subject property which merits the granting of the additional variance relief from the floor area ratio and rear yard requirements. The site is flat and rectangular. The existing structure already exceeds the floor area ratio permitted for professional offices in the SP-1 District. The proposed addition would create an adverse impact on adjoining properties with regard to the reduction of light and air to adjacent residential uses. No evidence has been established which indicates that there will be no objectionable traffic and parking conditions created by the proposed extension.

19. Sub-section 7107.2 of the Zoning Regulations provides that enlargements or additions to a non-conforming structure housing a conforming use may be made, provided that:

"7107.21 Such structure conforms with the height of building, percentage of lot occupancy, and floor area ratio limitations for the district in which located;

7107.22 All yard and court requirements adjacent to such enlargement or addition are complied with; and,

7107.23 No such enlargement or addition shall cause a structure to exceed the height of building, percentage of lot occupancy, or floor area ratio limitations for the district in which located."

20. The existing structure is presently non-conforming as to the allowable floor area ratio. The proposed addition will encroach into the required rear yard. The proposed addition will further increase the existing non-conformity of the structure.

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 and area variances. In order to be granted the special exception relief requested, the applicant must demonstrate compliance with Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has failed to so comply. The height, bulk and design of the proposed structure including the addition is not in harmony with the existing buildings or neighboring properties. The applicant failed to show that there would not be any adverse traffic conditions or other objectionable effects. The Board further concludes that the special exception is not in harmony with the general purpose and intent of the Zoning Regulations and Maps and will tend to affect adversely the use of neighboring property in contravention of said regulations and maps.

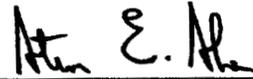
As to the variances requested, the Board concludes that these are area variances, the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board concludes that the applicant has failed to meet its burden of proof with regard to the three variances. There is no practical difficulty or exceptional situation relating to the subject property to warrant additional variance relief. Further, the Board concludes that the existing building is already in excess of the permitted floor area ratio and the applicant has not shown a compelling reason as to why it needs a further increase. The Board concludes that the existing building causes no exceptional situation or condition which mandates that a rear yard not be provide and instead be occupied with a structure which adversely affects adjoining properties. The Board further concludes that the variance cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board also concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is DENIED in its entirety.

VOTE: 3-0 (John G. Parsons, Carrie Thornhill, and William F. McIntosh, to deny, Douglas J. Patton, and Charles R. Norris not voting, not having heard the case)

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: SEP 30 1983

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 SUPPLEMENTAI RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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