

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13900, of Fourth and G Partnership, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject premises as offices for a non-profit organization and for a variance from the on-site parking requirements (Paragraph 7202.1) in an HR/SP-2 District at the premises 701 4th Street, N. W., (Square 529, Lot 846).

HEARING DATE: January 19, 1983

DECISION DATE: January 19, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 4th and G Street, N. W. and is known as premises 701 4th Street, N. W. It is zoned HR/SP-2.

2. The site is presently improved with a three-story structure with cellar, built in 1910. This structure occupies 100 percent of the lot. The lot area of the subject site is approximately 2,031 square feet. The structure contains approximately 6,135 square feet of gross floor area. The third story does not extend completely to the full depth of the building. There is a public alley to the rear of the property and a private alley to the side of the property.

3. The subject premises has been vacant since August, 1982. Certificate of Occupancy No. B130487 authorized use of the subject premises as an art studio/gallery on the first and second floors. Certificate of Occupancy No. B30486 authorized the use of the third floor of the subject premises as two apartments.

4. The applicant proposes to completely renovate the interior of the building, and make minor exterior renovations. The exterior renovations are limited to the addition of two windows on the first floor and the installation of heat pump units recessed into the exterior walls. These renovations have received the preliminary approval of the Commission of Fine Arts pursuant to the Shipstead Luce Act.

5. The applicant proposes to rent the subject premises as offices to a non-profit organization which is certified in the District of Columbia as the Neighborhood Legal

Services Program (NLSP). This tenant organization proposes to occupy the entire building.

6. The offices of the Neighborhood Legal Services Program are presently located at 310 Sixth Street, N. W.. That building, along with several other parcels, has been acquired by the Pennsylvania Avenue Development Corporation and is scheduled for demolition. The NLSP's lease at this location expired in 1982. The NLSP is anxious to relocate in the Judiciary Square area because of its need to be in close proximity to the Court. The subject site meets that need.

7. The total FAR of the site following renovation will be less than the maximum 3.5 FAR allowed in the HR/SP-2 District for other than residential use.

8. The NLSP presently has a staff of twenty-eight persons. The NLSP proposes an addition of five staff persons should additional funding become available.

9. The representative of the NLSP testified that two or three of its existing staff drive to work. Those staff members park in commercial parking facilities in the area and are expected to continue to do so. The representative of NLSP also testified that because its clients must meet an indigency standard, most do not own automobiles and are expected to come to the site via public transportation, taxi or be driven by a friend. Because the NLSP is already located in the area, approval of this application will generate no new traffic coming into the area.

10. The subject premises are surrounded by three independently operated, commercial parking lots with a total capacity of approximately 280 spaces. These lots are infrequently filled to capacity and operate on a "first-come, first-served" basis. These lots provide sufficient space for those staff members and clients who may choose to park near the subject premises. In addition, the subject premises are served by two Metrorail subway stations and nine Metrobus routes.

11. Due to the 100 percent lot occupancy of the existing structure, which pre-dates the 1958 Zoning Regulations, the applicant is unable to provide the two required on-site parking spaces. The cost of providing a garage within the structure, the loss of office space and the adverse effect of fumes from a vehicle within the structure would cause substantial practical difficulty in providing parking on-site.

12. The uses surrounding the subject site include the Court Square Apartments, a private office, several apartment buildings, a parking lot and U.S. Government offices.

13. The applicant's architect, through testimony and photographs, evidenced that the use, height, bulk, and design of the building are in harmony with nearby uses and structures and that the proposed use will be generally consistent in intensity and character with adjoining properties. The Board so finds.

14. The Office of Planning, by memo dated January 11, 1983, recommended conditional approval of the application. As to the special exception, it was the opinion of the Office of Planning that the applicant meets the requirements of Paragraph 4101.44. As to the parking variance, the Office further was of the opinion that the building's 100 percent lot occupancy and its existence prior to the adoption of the 1958 Zoning Regulations create a practical difficulty upon the owner of the property. The Office of Planning recommended that approval of the application be contingent upon a final positive response to the applicant's proposal and the nature of the sign used to advertise the proposed use from the Commission on Fine Arts. The Board concurs with the Office of Planning's recommendation.

15. Advisory Neighborhood Commission 2C, by letter dated December 28, 1982, supported the application because of the mission of NLSP.

16. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. The granting of the special exception requires that the applicant must demonstrate compliance with Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board found in Finding of Fact No. 13 that the use, height, bulk and design of the structure will be in harmony with existing uses and structures on neighboring properties. The use of the structure will not create any dangerous or other objectionable traffic conditions, as found in Findings of Fact Nos. 9 and 10.

The Board further concludes that the approval of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to effect adversely the use of neighboring property in accordance with said Regulations and Map.

As to the parking variance the Board concludes that the variance requested is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the existence of a structure on the

subject site which occupies 100 percent of the site constitutes an exceptional situation or condition, in that there is no room on the lot to accommodate the two off-street parking spaces required by the Zoning Regulations. The applicant has demonstrated that the strict application of the parking requirement would result in peculiar and exceptional practical difficulties. The applicant has further demonstrated that sufficient commercial parking is available in the immediate area. The Board further concludes that the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and integrity of the Zoning Regulations.

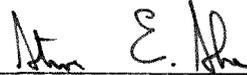
Accordingly it is ORDERED that the application be GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be limited to operation by Neighborhood Legal Services, Inc.
2. Any signs advertising the use shall be approved by the Commission of Fine Arts.

VOTE: 4-0 (John G. Parsons, Carrie L. Thornhill, William F. McIntosh 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:

FEB 18 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 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.

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