

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14060, of Gerda S. and Agostino S. Buttinelli, Trustees, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to construct a four-story building with retail and office space in a C-3-B District at premises 1629 Connecticut Avenue, N.W., (Square 111, Lot 816).

HEARING DATE: October 26, 1983

DECISION DATES: November 2 and December 7, 1983

FINDINGS OF FACT:

1. The subject site is located on the east side of Connecticut Avenue between Q and R Streets approximately one and one-half blocks northwest of Dupont Circle and is known as premises 1629 Connecticut Avenue, N.W. It is in a C-3-B District.

2. The subject property has a lot area of 3,815.70 square feet. The site has a width of 40.5 feet along its Connecticut Avenue frontage, a depth of 92.71 feet along the north property line and a depth of 95.67 feet along the south property line. The subject property abuts other structures to the north and south. An existing alley to the east or rear of the site is fifteen feet wide with a ten foot intersecting alley. The site is located on a limited one-way northbound service roadway along Connecticut Avenue.

3. The site is improved with a one story stucco structure which is in a severely deteriorated condition. It is now vacant. The structure was formerly used as a restaurant/nightclub known as the "Junkanoo".

4. The site is located in the Dupont Circle Historic District. The applicant has received approval from the State Historic Preservation Review Board to demolish the existing structure.

5. The applicant proposes to demolish the structure and construct a new four story structure containing one floor or approximately 3,700 square feet of retail space and three floors or approximately 11,000 square feet of office space.

6. Under the Zoning Regulations, the applicant is required to provide five on-site parking spaces. The

applicant proposes to provide none and seeks a variance of 100 percent from the parking requirements.

7. The properties along the 1600 block of the east side of Connecticut Avenue are all zoned C-3-B with the majority of the existing structures being four-stories with offices above retail space. Across the street in Square 93, 20th Street from Q Street to Hillyer Place, is a block of renovated four-story row structures. The structures in Square 93 along Connecticut Avenue from Hillyer Place to R Street, are mostly new structures from five to seven stories in height.

8. Because of the size and location of the subject property and the restricted alley access, it is not feasible to provide the required five parking spaces on-site. Because of the narrow width of the lot, it is impossible to provide underground parking accessed by a parking ramp. The required width of the ramp and the required width of the spaces would leave no room for cars to make a turn once they have entered a garage. The only possible way to provide underground parking is by means of a car elevator. This would still require two levels below grade in order to provide five spaces and the total cost would be \$640,000 which is not reasonable. Further, because of the restricted alley width, access to an underground garage would require a curb cut on the narrow one-way service roadway for Connecticut Avenue which creates additional practical difficulties for cars attempting to enter a garage.

9. Because of the narrow width of the property and the fact that the height of the building is lower than that which would be permitted under the Zoning Regulations in order to be in keeping with the character of the Historic District, it is physically impossible to locate five parking spaces at grade. At most, one or two parking spaces could be located at the rear of the subject property. The provision of these spaces creates practical difficulties in light of the need for adequate fire egress at the rear of the property in addition to the location of the trash dumpster. Additionally, access to the spaces would have to be from the alley, which creates problems in terms of limited visibility, turning radius, and the existing congested condition of the alley area. To provide these spaces would also require a reduction in the size of the already small building as well as substantial redesign of the first floor space.

10. The applicant's traffic and transportation consultant testified that the proposed development with the requested variance would have no adverse impact on the neighborhood in terms of parking or traffic if the applicant used off-site parking facilities in the area. A parking garage on the north side of the Florida Avenue just west of 20th Street, approximately two blocks from the site, has a

large number of monthly spaces available, as well as hourly and daily spaces. Additionally, there are metered spaces in front of the subject site on Connecticut Avenue and on the north side of R Street, east of Connecticut Avenue. Typically, there are one to three vacant metered spaces during the day within a half-block of the site, so that visitors could use these spaces or else park in the garage on R Street, west of Connecticut Avenue, approximately, one block away.

11. The site has good accessibility to public transportation. The Dupont Circle Metrorail Station portal is at Connecticut Avenue and Q Street, less than one block from the subject site. Additionally, Metrobuses L1, L3, L4, L7, L8, L9, H6, 40, 42, 44, and 46 operate on Connecticut Avenue.

12. The Office of Planning, by report, dated October 19, 1983, recommended that the application be approved. The Office of Planning was of the opinion that the size, narrow lot width and the location of the subject property all created a practical difficulty for the owner and rendered it virtually impossible for the applicant to provide on-site parking. The subject lot is 40.5 feet wide and contains a total area of 3,814.29 square feet. The proposed structure, the design of which is constrained due to its location within an historic district and the infill nature of development, occupies 99.7 percent of the site. This almost total coverage necessitates underground parking, but as pointed out by the applicant's architect, underground parking is essentially impossible. Given the width of the lot, an underground garage ramp of suitable dimension in conjunction with the required width of parking spaces would leave no room for turning movements once cars entered the garage. Access by way of an elevator would permit turning movements but two levels of parking, at a total cost of \$640,000 as assessed by the applicant, would be necessary to accommodate five cars. Finally underground parking would have to be accessed by way of a curb cut on Connecticut Avenue because of the narrow fifteen foot alley system to the rear of the property. The Office of Planning was further of the opinion that given the location of the proposed development with ready access by both Metrorail and Metrobus and with adequate parking facilities in close proximity, the Office of Planning believed that the requested relief could be granted without substantial detriment to the public good. The Board concurs with the reasoning and recommendation of the Office of Planning.

13. Advisory Neighborhood Commission 2B, by letter dated October 18, 1983, reported that the Commission voted to support the application on the grounds that the proposal with retail and office use will enhance the present site. The ANC approved with the contingency that a dumpster be

placed to the rear of the property within the building line and with adequate space for pick-up. The ANC reported that the applicant was amenable to this contingency.

14. The Dupont Circle Citizens Association (DCCA) supported the application. The Association reported that the proposal will replace an eyesore. It also concurred with the ANC concerning the dumpster. The Association also reported that the users of the site should be encouraged to use public transportation.

15. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. In addressing these issues and concerns as well as those of the DCCA, the Board finds that while it can appreciate the concern of both organizations to be rid of an eyesore and reduce the traffic impact through the use of dumpsters at a certain location, the issue before the Board is a variance from required on-site parking. The Board finds that neither organization has addressed this zoning issue.

16. Mrs. Harriett Hubbard testified on behalf of the Residential Housing Coalition in opposition to the application. She contended that parking could be provided at the rear of the subject property. Ms. Hubbard testified that other buildings in the square have parking at the rear of their properties and that the applicant had not demonstrated that it could not do the same.

17. As the applicant testified, many of the cars which presently park in the alley do so illegally, since there is insufficient space at the rear of the existing buildings to provide parking spaces of the size required under the Zoning Regulations. The Board further finds that although it may be possible for the applicant to provide one or two spaces at the rear of its property, the provision of these spaces would create a practical difficulty in terms of the redesign and reconfiguration of the building including the loss of space on the ground floor, and further, that access to these parking spaces would exacerbate the already congested and dangerous conditions of the alleys in question. The Board is of the opinion that parking must be provided for the proposed use. As conditioned below in its grant, the Board will so provide.

18. At the public meeting of November 2, 1983, a motion made by Carrie L. Thornhill to grant the application failed for the lack of a second. A motion made by Douglas J. Patton, seconded by William F. McIntosh, to deny the application failed for the lack of a majority of the Board by a vote of 2-2 (Douglas J. Patton and William F. McIntosh to deny; Carrie L. Thornhill opposed to the motion; Walter B. Lewis opposed to the motion by proxy; Charles R. Norris not voting, not having heard the case). The Board deferred a

decision on the application until its public meeting of December 7, 1983. Chairman Charles R. Norris read the record and participated in the decision at the public meeting of December 7, 1983.

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 an area variance, the granting of which requires the showing of an exceptional or extraordinary condition, inherent in the property itself, which creates a practical difficulty upon the owner. The Board concludes that the restricted alley access, the location of the site within the Dupont Circle Historic District and the narrow width of the property combined represent an extraordinary condition inherent in the property and constitute a practical difficulty. The Board further concludes that the requested relief can be granted, as hereinafter conditioned, without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The application shall lease five parking spaces within 1,000 feet of the front entrance of the building for the exclusive use of the tenants of the building.
2. The Certificate of Occupancy for the subject building shall be limited to that period of time for which the applicant can demonstrate compliance with Condition No. 1.
3. The applicant shall post a sign on the subject premises indicating the location of and availability of the five parking spaces required by Condition No. 1.
4. The parking spaces shall be reserved exclusively for the use of the tenants of the subject building and shall be so posted.

VOTE: 3-2 (Carrie L. Thornhill and Walter B. Lewis to grant; Charles R. Norris to grant by proxy; William F. McIntosh and Douglas J. Patton opposed).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

APR - 5 1984

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 CONSUMER AND REGULATORY AFFAIRS.

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