

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14108, of Bacon House, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) for a proposed conversion of the subject premises to non-profit offices and an addition thereto in a C-3-C District at premises 1801 F Street, N.W., (Square 142, Lot 24).

HEARING DATE: March 18, 1984

DECISION DATE: March 18, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the northwest corner of the intersection of 18th and F Streets, N.W. and is known as premises 1800 F Street, N.W. It is in a C-3-C District.

2. The lot contains 13,518 square feet in area. The lot width is 131.25 feet. The gross floor area permitted is 87,867 square feet. The structure including the rear addition will provide only 14,772 square feet of gross floor area.

3. The site of the subject Bacon House and its gardens was purchased in 1825 by Tobias Lear, the private secretary and nephew-by-marriage to President George Washington. In 1825, a 47.2 foot by 45.1 foot Flemish bond brick residence was constructed. The house originally consisted of an english basement and a two-and-one-half story gable roof structure. In 1835, the house was bought by Mr. and Mrs. William Thomas Carroll.

4. Originally the basement, or ground floor, was two to three feet in the ground, with the garden being at the same grade as the street and sidewalk. When public improvements to the city were made in the second half of the 19th Century, the street grade was cut down so far that the basement is now seven feet above the sidewalk, and the gardens are approximately ten feet above the street. It was then necessary to construct retaining walls about four feet high at the sidewalk to support the house and gardens. At the time, a new front entrance was created at the basement and the stairs and original front doors were replaced by a two story projecting bay. At the same time, the present ten foot wide cobbled ramp was constructed allowing access to the rear court and service buildings from 18th Street.

5. In 1896, the site was purchased by Supreme Court Justice Melville Fuller who added the fourteen foot wide service wing which borders the enclosed English garden.

6. In 1911, Alice Cornelia Thaw remodeled and improved the interior of the house and stables. Also, new plumbing and electric lights were installed.

7. In 1935, the house was bought by Congressman and Mrs. Robert Low Bacon.

8. On July 26, 1973, the subject site was placed, as a Category II Landmark, on the National Register for Historic Places maintained by the Department of Interior.

9. On June 30, 1977, Mrs. Bacon entered a historic preservation covenant with the District of Columbia for twenty years, which provides for a real property tax reduction. This covenant does not permit, without written approval of the Director of the Department of Housing and Community Development or designee, any construction, alteration, or remodeling to change the exterior of the site or its interior which would affect in any way its exterior structure or appearance, or the grounds, or improvements included in the site.

10. On July 20, 1977, Mrs. Bacon entered into a scenic, open space and architectural facade easement with the National Trust for Historic Preservation.

11. The Bacon House Foundation, a nonprofit corporation, was established in 1975. The purpose of the Bacon House Foundation is to increase international understanding through a variety of educational programs and discussions among foreign policy professionals and world leaders.

12. The applicant now plans to restore the house, reserving the main floor with its drawing rooms and dining rooms for conferences, luncheons, dinners, receptions and intimate discussion groups held by Bacon House or other organizations. The remainder of the building, totaling approximately 8,000 square feet, will be leased for use by nonprofit groups.

13. The conversion to non-profit offices is a permitted use in the C-3-C District and is not an issue before the Board.

14. Under the Zoning Regulations, six parking spaces are required to serve the proposed use. The applicant seeks a variance from the on-site parking requirements.

15. The subject site is totally surrounded by office buildings built to the maximum envelope and offering very little amenity to the public. The entire northern side is a commercial office building bordering the garden and service buildings and going all the way to G Street, N.W. To the west is the new office building of the Organization of American States, (OAS) beginning at the garden and continuing to 19th Street. Across F Street, the entire block is occupied by the General Services Administration headquarters. To the east, across 18th Street are new high rise commercial office buildings. Just beyond these closest buildings are the high rise offices of the Federal Home Loan Bank Board, the International Monetary Fund and the World Bank, among others.

16. The proposed restoration of this historic landmark requires that the exterior and grounds be restored and maintained as the ensemble created by Jules Henri de Sibour in 1911. The garden courtyard, street plantings, trees and the building exteriors are considered inviolable. The interior of the residence is similarly considered to be of such importance that it will be restored precisely to the final appearance given it in 1911 by de Sibour, who maintained and incorporated all the elements of the 1825 residence as well as the 19th century additions of its subsequent residents. The restoration will exhibit all of its relative associations from George Washington to the present day. Virginia Murray Bacon's furnishings will be returned to their former locations, and the house will appear exactly as she knew it. What had been bedrooms will contain a desk instead of a bed, but will otherwise remain as they were.

17. In the stables, carriage house, service rooms and servants apartments, only the 19th century horse stalls are of interest and they have been restored as offices and conference area. The rest of the interiors have no historical or architectural significance, and those have been remodelled as contemporary office space.

18. Bacon House requires a variance from the parking requirement because of its exceptional and unusual situation. Bacon House is a National Historic Landmark. It is a Category II Landmark in the District of Columbia. Bacon House is listed on the National Register of Historic Places where its statement of significance notes that it "contributes significantly to the cultural heritage and visual beauty of the District of Columbia."

19. In seeking a building permit for the restoration of these historic structures, the Bacon Foundation presented plans incorporating the required parking spaces. These plans provided an access driveway and parking lot in the

existing garden, the only undeveloped area on the lot. The plans were rejected because of the obvious destruction that would result.

20. For the District of Columbia to require the parking will mean the destruction of those same elements that the District has agreed by covenant to accept and protect. To leave the site alone means to conform to the District's requirement to protect and maintain the gardens, but no permit can be acquired for restoration because there is no parking supplied on site as required.

21. There is a practical difficulty that precludes the introduction of parking on this site. First, there can be no legal parking in the former service court, because the 19th century cobbled ramp from 18th Street is only ten feet wide, and the Regulations require a fourteen foot wide driveway. To widen the ramp means the destruction of walls, gates, and trees that are protected by covenant. Furthermore, it is not possible to achieve the minimum legal ramp grade. It is not possible to achieve the minimum legal turning radius required to gain access to the parking. Finally, it is illegal to park closer than ten feet to the buildings. Therefore the Regulations prevent any legal parking in this area.

22. As for the garden, it is ten feet above F Street, which is the only street from which access can be gained. This would require a fourteen foot wide ramp beginning at the sidewalk at the far southwest corner of the garden, cutting through the lower retaining walls, then the garden walls, and, assuming the maximum allowable grade would bring the automobiles to the garden grade near the north end of the garden. This would also mean underpinning and reinforcing the new walls of the OAS complex as well as the 19th century garden walls of Bacon House to the depth of better than thirty feet, along the entire extent of the eighty-four foot long ramp. This underpinning and reinforcing would cost many hundreds of thousands of dollars, if it is at all possible. Furthermore, if the minimum allowable turning radius is used to give access to the minimum allowable corridor, then all six parking spaces are illegal because the automobiles are either closer to the buildings than the minimum distance allowed by code, or the automobile's required parking area, nineteen feet by nine feet, intrudes on the driving lane. If the cars are held back from the wall, the minimum distance allowed, they intrude more in the driving lane or the turning radius must be less than the minimum allowed. Either way, the parking does not comply with the Regulations.

23. The end result is the destruction of a National Historic Site, and a violation of the covenant and easement which the District holds. Either way, it means the loss of

twelve of the sixteen mature trees on the site, and the paving of ninety percent of the garden, and the loss to the city of at least two, and perhaps three, of the curbside metered spaces where the curb-cut would occur. Thus, it is impossible to comply with the requirement that six parking spaces be supplied on site.

24. The applicant's expert traffic witness testified that the proposed development would have no adverse impact on the neighborhood in terms of parking or traffic. There is parking for the public available on-street, with meters on both 18th Street, south of F Street, and F Street, east and west of 18th Street. There are two garages within a half block of the Bacon House, on 18th Street north of F Street. Both of these garages have monthly spaces available, as well as short-term spaces. The applicant has received a letter of intent from Colonial Parking agreeing to make available six parking spaces for its use.

25. The site also has good accessibility to public transportation. The Farragut West Metrorail station is three blocks to the north at I Street, a five minute walk from the site. Metrobuses 52, 54, 81 and M5 pass the site. Within two blocks there are eleven more Metrobus routes: 31, 32, 34, 36, 37, 80, P17, H1, P1, S1 and 38C.

26. Once fully restored, Bacon House anticipates routinely scheduled luncheons and evening functions. For luncheons, it is expected that few of the attendees would drive and that parking would be available at curb-side or in the garages. In the evening, the proportion of drivers would be higher, estimated at fifty percent, but the availability of parking space, on and off-street, would be greater, and clearly adequate to handle the demand.

27. The Office of Planning, by memorandum dated March 21, 1984, recommended that the application be granted. The Office of Planning was of the opinion that a practical difficulty existed in regard to the existing physical characteristics of the property, because of the great grade differential between the street and the subject site. Also, the historic preservation covenants increase this practical difficulty, since no alterations, changes or additions are possible without District and Federal approvals. The Board concurs in the Office of Planning reasoning and recommendation.

28. Advisory Neighborhood Commission 2A passed the following resolution on the application:

"Be it resolved that ANC 2A hereby supports BZA Application No. 14108, to be granted a variance from the requirement for six parking spaces. ANC 2A is in support because the overall project meets the historic

preservation goal which this ANC supports and because the six spaces in question are not, in this specific instance, a significant number. The support is conditioned on the property owner obtaining a letter of intent for parking in a nearby building. In the absence of this contract, ANC 2A neither supports nor oppose the application."

The Board concurs with the ANC recommendation.

29. There was no opposition to the application.

30. The Organization of American States, by letter of January 27, 1984, reported that it owns the property on F Street immediately to the west of Bacon House and it supported the plans for the preservation of the historic property. The OAS was of the opinion that the restoration of this landmark will be a major contribution to the neighborhood and to the city.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape, topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met its burden of proof. The applicant's practical difficulties in this case stem from the existence of a historic structure occupying a large portion of the subject site and the difference in grade created by the improvement of the street. The only way to comply with the parking requirement would be to substantially demolish the garden. Testimony evidences that legal parking would still not be provided. Existing covenants and the disapproval of this proposal by the Historic Preservation Review Board make this plan impossible. The Board further concludes that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Charles R. Norris, Maybelle T. Bennett and Carrie L. Thornhill to grant).

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

