GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14113, of the National Republican Club of Capitol Hill, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12) and from the prohibition against allowing an addition to a nonconforming structure which now exceeds the lot occupancy requirements (Paragraph 7105.12) for a proposed three story addition to a private club in an R-4 District at premises 300 First Street, S.E., (Square 733, Lot 47).

HEARING DATE: March 28, 1984
DECISION DATE: April 4, 1984

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of First and C Streets and is known as premises 300 First Street, S.E. It is zoned R-4.

2. The subject site is rectangular in shape with a lot area of 7,600 square feet.

3. The subject site is improved with a three-story plus basement structure which houses the Capitol Hill Club, a private club which is permitted as a matter-of-right in the R-4 District.

4. To the north of the subject site across C Street are the Madison Library and the U.S. House of Representatives office building. To the west across First Street is the Capitol South Metro station which is covered by a parking lot. To the south across the alley is the Republican National Committee office building. To the east, along C Street is a row of townhouses.

5. The Capitol Hill Club and the Republican National Committee (RNC) were previously located at First and Carroll Streets, S.E. which was zoned SP. The U.S. Government acquired that site by condemnation, necessitating the relocation of the Club and the offices of the RNC.

6. The Capitol Hill Club, as well as the RNC, found it necessary to relocate within the Capitol Hill area because of their unique relationship with members of Congress and other personnel located on Capitol Hill.

7. In 1961, Capitol Hill Associates filed an application to rezone the subject site to SP. On May 23, 1961, the Zoning Commission deferred a decision on that request and advised the applicant to request the variance relief necessary for the construction of an office building and club from the Board of Zoning Adjustment.

8. By BZA Order No. 6348, dated June 21, 1961, the Board approved variances from the lot occupancy, rear yard and off-street parking requirements of the R-4 District to permit construction of the club at its present site. Subsequently BZA Order Nos. 8288, dated July 14, 1965, 9203, dated May 25, 1967 and 10015, dated May 20, 1968, reinstated the original variance relief granted pursuant to BZA Order No. 6348.

9. The existing structure was constructed in 1971 and occupies approximately ninety-four percent of the subject site.

10. The applicant proposes to construct a three-story addition to the southeast corner of the existing structure. The proposed addition will enlarge the floor area of the first through third floors of the structure. The existing loading berth at the basement level will remain.

11. The applicant testified that the proposed enlargement of its facilities will provide floor area necessary for additional storage space and toilet and lounge facilities for staff and women members.

12. The additional storage, toilet and lounge facilities are necessitated by the change in circumstances which has occurred since the Club was constructed in 1971. The number of women members has increased considerably and the nature of the operation of the club has changed in that receptions, seminars, conferences and other similar activities take place there in addition to the previous dining and reception activities.

13. The Capitol Hill Club is affected by an extraordinary situation in that the existing structure was constructed pursuant to the variance relief first permitted by BZA Order No. 6348. The existing building, therefore, is not in strict compliance with the area requirements of the R-4 District. Because the existing structure already exceeds the maximum allowable lot occupancy, no addition to the structure can be constructed without Board approval.

14. In addition, the property is uniquely affected by an agreement between the House Office Building Commission and Capitol Hill Associates, Inc., which A) limits the use of the property to the Capitol Hill club, B) provides that all plans for exterior facades should be subject to the

approval of the Architect of the Capitol, and C) gives the United States government the right of first refusal to purchase the property in the event of a sale of the premises to any person other than the Capitol Hill Club.

15. In Monaco vs. the BZA, 407 A.2d 1091, (D.C. App., 1979), the D.C. Court of Appeals found that "extraordinary circumstances" are not limited to the physical aspects of the land, that past zoning history can be taken into account in the uniqueness facet of the variance test, and, that the restrictive covenant with the House Office Building Commission could be considered as an extraordinary condition as it effectively restricted design, height and use to that which the BZA considered compatible with surrounding residential and government properties. Counsel for the applicant argued that the Court's decision can also apply to the subject application and that to deny the present application would force the club to relocate on a less favorable site after a substantial investment in the present area and after reliance upon prior understandings.

16. The applicant has made major expenditures to improve the subject property based on the prior actions of the BZA and Zoning Commission. Because the agreement mentioned in Finding of Fact No. 14 provides that the U.S. Government has the right of first refusal to purchase the subject site in the event that the Capitol Hill Club does not wish to continue to utilize the subject premises, and, further, because of the scarcity of vacant land in the Capitol Hill area, the sale of the subject premises by the applicant and relocation of the Club to another site would be economically and practicably unfeasible.

17. The proposed addition has been designed to match the cornice and rooflines, as well as the materials of the facade, of the existing structure.

18. The proposed addition will be located at the rear of the existing structure and will not be visible from surrounding streets.

19. The proposed addition consists of in-fill construction and will not adversely affect the light and air of adjacent residences.

20. The proposed addition was designed without windows to prevent the addition from lessening the privacy afforded to the residents of the adjacent townhouses.

21. The proposed addition will not facilitate an increase in the existing capacity of the dining, kitchen, or membership meeting rooms of the Club.

22. The majority of the floor space gained by the proposed addition will be for storage purposes. Storage space within the existing structure will be converted to staff, lounge and additional toilet facilities. The storage area in the existing building is approximately 795.5 square feet. After construction of the proposed addition and conversion of some existing storage area, the storage area in the existing building will total 133 square feet. The addition will contain 1,739 square feet, for a total storage capacity of 1,872 square feet.

23. The floor space gained through the construction of the proposed addition will not be appropriate for meeting or dining space for members of the club due to the absence of windows and because the space will only be accessible by passing through other rooms.

24. The loading area at the ground floor level will remain. The area will be enclosed. Enclosure of this area will decrease the noise of deliveries and will enhance the appearance of the alley by enclosing the existing trash area.

25. The proposed additional storage space will allow the Club to store a larger amount of non-perishable items and thus reduce the total number of deliveries to the site.

26. The Capitol Hill Restoration Society, by letter dated March 27, 1984, opposed the application based on the following:

A. The physical aspect of the site do not present any exceptional or extraordinary conditions of the property.

B. The agreement with the United States which applies to the property does not constitute an exceptional or extraordinary situation relative to the property because the facts in this case are not supported by the Court's decision in Monaco v. the Board of Zoning Adjustment, in that the Capitol Hill Club is not a public service organization and the subject structure was designed and completed according to the Club's own design.

C. The only practical difficulty upon the owner is the inconvenience caused by inadequate storage and toilet facilities within the structure. There is no evidence that the club cannot continue to operate in the existing facility.

D. The applicant did not demonstrate that the required variances would not result in a substantial

detriment to the public good. The existing problems with traffic and parking congestion and blocking of alleys caused by parking and deliveries will only be exacerbated by the proposal.

27. Three nearby property owners appeared at the public hearing in opposition to the application. Their opposition was based on the following:

A. Illegal parking in the alley behind the subject site accurrs on a daily basis and constitutes a fire and safety hazard.

B. Trash overflows from the dumpsters on the site which detracts from the use of the alley and attracts rodents to the area.

C. The membership of the club will increase as a result of the proposed addition and thereby cause an increase in existing problems with illegal parking and trash accumulation.

D. There is no guarantee that the additional space will be used for storage facilities instead of meeting or dining rooms.

28. A representative of Advisory Neighborhood Commission 6B appeared at the public hearing and testified that the ANC passed a resolution opposing the application for the following reasons:

A. The applicant was aware of the stipulation of the agreement with the U.S. Government when the property was purchased.

B. The applicant's need for additional storage space can be remedied by other means.

C. There is insufficient hardship to warrant the requested variance.

The written recommendation of the ANC was not submitted to the Board in a timely fashion.

29. The Office of Planning, by memorandum dated March 29, 1984, recommended that the application be approved. It was the opinion of the Office of Planning that the requested variances are minor in comparison to the bulk of the existing building, and are not likely to create an adverse impact on the area. The Office of Planning was of the opinion that the requested variances are necessary to achieve more efficient use of the premises, and that the facility is uniquely impacted by its relationship between members of the Capitol Hill Club and the Congress of the United States.

The Board concurs with the recommendation of the Office of Planning.

30. In addressing the issues and concerns of the Advisory Neighborhood Commission, the Capitol Hill Restoration Society, and the opposition, the Board finds as follows:

A. As noted in Findings of Fact Nos. 13 and 14, the subject site is affected by an exceptional or extraordinary condition based on the prior zoning history of the site and the agreement with the House Office Building Commission. As further noted in Finding of Fact No. 15, the Court of Appeals has determined that extraordinary circumstances are not limited to the physical aspects of the land.

B. The use of the subject premises as a private club is permitted under the R-4 Zoning Regulations. The applicant is not seeking a use variance and is not required to demonstrate that it is a public service organization.

C. The applicant is rightly seeking area variances to permit an addition to facilitate efficient use of the existing building.

D. The opposition argument that the proposed addition would exacerbate existing problems such as traffic and parking congestion is not persuasive. There will be no increase in membership to increase traffic to the site, the number of deliveries per week will be reduced, and the trash area will be enclosed under the present proposal.

E. The opposition was unable to distinguish between the Capitol Hill Club and the Representative National Committee as the cause of illegal parking in the alley.

30. The record contains numerous letters in support of the application from neighborhood residents and from members of the club.

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 area variances, the granting of which requires a showing of an exceptional or extraordinary condition of the property which creates a practical difficulty upon the owner. The Board concludes that the subject site is affected by an exceptional situation as a result of the history of zoning actions as set forth in Findings of Fact Nos. 7 and 8. The

property is also uniquely affected by the agreement with the House Office Building Committee as found in Findings of Fact Nos. 14 and 16.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as it will not increase the number of employees or membership in the club and the hours of operation and type of activities will remain the same. Accordingly, it is ORDERED that the application is GRANTED.

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

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUL 24 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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