

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14304 of Donald L. and Laurelie M. Wallace, Jr., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7106.11 to modify BZA Order No. 14197, dated February 20, 1985, to change the use of the subject premises from the offices of a lobbyist to law offices in an R-4 District at premises 232 East Capitol Street, N.E., (Square 759, Lot 800).

HEARING DATE: July 10, 1985

DECISION DATE: July 10, 1985 (Bench Decision).

FINDINGS OF FACT:

1. The subject property is located in an R-4 zone district at the northwest corner of the intersection of East Capitol and 3rd Street, N.E., and is known as 232 East Capitol Street, N.E.

2. The subject site is 14.61 feet wide and seventy-five feet deep. It is improved with a semi-detached frame structure of three stories and a cellar. The structure covers almost the total area of the site and contains approximately 2,000 square feet.

3. The building has been altered on the outside in that the entrance from East Capitol Street has been closed to accommodate a window occupying the entire width of the structure. The only entrance to the building is available at the rear of the building from 3rd Street.

4. The East Capitol Street frontage of the subject square is developed with rowhouses including a Lutheran Church. There are some offices in the rowhouse structures. Directly across East Capitol Street, the entire frontage of the Block is occupied by the Folger Shakespeare Library. There are other nonresidential uses on property owner by the Folger diagonally across from the site and other nonresidential uses, primarily churches, in the area.

5. In BZA Order No. 14197, date February 20, 1985, the Board approved the continued use of the structure as professional office space but limited the use to a lobbyist office operated by the applicants or by a business owned by the applicants. The applicants propose to modify this condition by allowing the site to be used as law offices.

6. In BZA Order No. 12787, dated January 17, 1979, the Board granted a special exception permitting use of the structure as office space limited to an architect, doctor, engineer, lawyer, or other professional person. The Board concluded that the proposed use would not be objectionable.

7. The applicants used the premises for offices of a lobbyist until recently when they determined that the lobbyist use requires larger office space. The applicants, therefore, entered a contract to sell the subject premises to the law offices of Brylawski and Clearly.

8. The contract purchasers wish to change the existing use from a lobbyist office to a law office. They have occupied 224 East Capitol Street, N.E. since 1956 and intend to use the subject site to relieve the crowded conditions at 224 East Capitol.

9. Paragraph 7106.11 provides that a nonconforming use may be changed to a use which is permitted as a matter-of-right in the most restrictive district in which the existing nonconforming use is permitted as a matter-of-right,

- A. The proposed use will not adversely affect the present character or future development of the surrounding area in accordance with the Zoning Regulations. The surrounding area encompasses the existing uses and structures within at least 300 feet in all directions from the nonconforming use.
- B. The proposed use will not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.
- C. In Residential Districts, the proposed use shall be either a dwelling, flat, apartment house or a neighborhood facility.
- D. The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it may deem necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

10. The existing use and the proposed use are first permitted as a matter-of-right in a C-1 District.

11. The proposed use as a law office will not affect adversely the neighborhood because of its limited nature. The office will employ six persons, all of whom were previously physically located in the neighborhood at the contract purchaser's current law offices at 224 East Capitol Street, N.E. The use of the subject site by the law firm would reduce the density of the use in the block over what it would be with another tenant since the contract purchasers are merely relocating employees from 224 East Capitol Street, N.E.

12. Although the square is predominantly residential, the present use as a lobbyist office has coexisted amicably in this environment since 1979. The building has never been used residentially. Further, the contract purchasers have operated their law offices in the neighborhood since 1956, and have also coexisted amicably in the neighborhood. There are also other nonresidential uses located nearby including Folgers Theatre, Lutheran Church of the Reformation, Capital Hill Wholistic Health Center, Grubb's Pharmacy, Eastern Market Groceries and Capital Hill Valet.

13. The applicant cannot provide any on-site parking. Previous Orders of the Board expressed concern about this and the Board monitored the impact. Over the years the Board found no adverse impact.

14. There are presently nineteen full and part-time employees at the contract purchasers' offices. Six of them work at the subject site. Because all six of these employees currently work in the neighborhood, no additional traffic will be generated. Of these six one person walks to work and the other five already have off-street parking arrangements. Nonneighborhood visitors would arrive by cab or public transportation. All activities will be confined within the subject building.

15. The subject law firm specializes in copyright and trademark practice. Most of its contact with its clients is made by phone or telex mail. There are few office visits. The firm in the past has also had clients from the immediate neighborhood on matters dealing with Wills and Real Estate transactions. The firm at its present site provides a notary service.

16. The proposed hours of operation are from 9:00 A.M. to 5:30 P.M. week days.

17. The Office of Planning, by report dated July 2, 1985 and through testimony by its representative at the public hearing, recommended approval of this application. The OP was of the opinion that the proposed was in harmony with the general purpose and intent of the Zoning Regulations and maps and would not tend to affect adversely the use of the neighboring property.

Given the low intensity of the proposed use, the OP did not anticipate the need for any restrictions or safe-guards on the property. The Board concurs with the findings and recommendation of the Office of Planning.

18. ANC-6A by letter dated June 18, 1985 recommended approval of the application. In its report the ANC raised question concerning parking, the number of employees and visitors. The ANC recommended that the BZA take all steps within its power to prevent unfavorable conditions to emerge as a result of its decision. The Board concurs and will so condition its Order.

19. Several owners of neighboring properties, including the abutting owner at 230 East Capitol Street, submitted letters to the Board in support of the application. They found that no parking or other problems existed as a result of the use of the property as offices during the past six years. Also, the site has always been well maintained and attractive.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception to modify BZA Order No. 14197 to change the use of the subject premises from the offices of a lobbyist office to law offices, the granting of which requires that the applicant has met the requirements of Paragraph 7106.11 of the Zoning Regulations and that under Subsection 8207.2 the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicants have complied with all of the conditions which are required for the granting of a special exception and are entitled by law to that special exception. The Board concludes that the granting of this application will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to affect adversely the use of neighboring property. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "Great Weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED, subject to the following CONDITIONS:

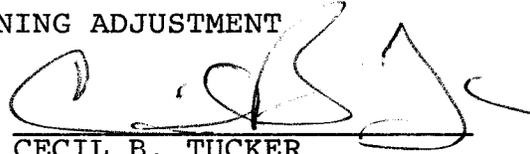
1. Use of the facility shall be limited to law offices.
2. The maximum numbers of employees shall not exceed

ten persons,

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Lindsley Williams and Carrie L. Thornhill to grant, Douglas J. Patton not present, not voting).

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

ATTESTED BY:



CECIL B. TUCKER  
Acting Executive Director

FINAL DATE OF ORDER: 04 SEP 1985

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.

14304order/DON14