

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14313 of 1226 Seventeenth Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the subject premises as offices for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person and for a variance from the floor area ratio requirements (Sub-section 4301.1) in an SP-1 District at premises 1226 - 17th Street, N.W., (Square 159, Lot73).

HEARING DATE: July 17, 1985
DECISION DATE: September 4, 1985

FINDINGS OF FACT:

1. The subject site is located on the west side of Seventeenth Street, N.W. between Rhode Island and N Street and is known as premises 1226 17th Street, N.W. It is zoned SP-2.
2. The site contains approximately 1422.1 square feet of lot area. The lot is rectangular in shape with a frontage of 18.50 feet along 17th street, and a depth of 76.87 feet.
3. The subject site is improved with a three story brick structure which was constructed in 1900.
4. The subject building is the second in a row of five adjoining structures, four of which are presently being used as offices. The subject structure is vacant.
5. The applicant proposes to restore the existing structure and to use it as offices for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person.
6. The proposed use requires a special exception and a variance from the FAR requirements.
7. Paragraph 4101.44 of the Zoning Regulations authorizes the Board to grant a special exception allowing the proposed use provided that:

- A. The use, height, bulk and design are in harmony with the existing uses and structures on neighboring property;
- B. The use will not create dangerous or other objectionable traffic conditions; and
- C. The Board may require such special treatment in the way of design, screening of buildings, access, uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property.

8. One of the applicant's principals is the owner of a structure adjacent to the subject site known as premises 1224 17th Street, N.W. That structure is occupied by a law firm and has been dedicated to professional office use since the mid-1960's.

9. The applicant proposes to use the subject structure as offices to provide more space for the law firm at 1224 17th Street, N.W. No new employees will be hired. The occupants of the proposed project already work at the adjacent site.

10. The law firm will occupy the top two floors of the subject structure. Each floor will accommodate two offices.

11. Eventually the applicant intends to expand the law practice to occupy the entire subject structure.

12. The ground floor and basement of the subject structure will be leased for SP office uses as listed under Paragraph 4101.44.

13. The applicant's clients are generally from out-of-town and will arrive for scheduled appointments at the site by taxi or limousine. There would be very little client traffic to the site.

14. The normal hours of operation of the proposed use will be from 9:00 A.M. to 6:00 P.M. Monday through Friday.

15. There will be no sign on the front of the subject site indicating its use.

16. The subject structure is located in the Dupont Circle Historic District. It has been determined by the staff of the Historic Preservation Review Board that the structure contributes to the character of the Historic District. Plans call for the rehabilitation of the subject structure to be conducted in accordance with the Guidelines for Historical Structures promulgated by the U.S. Department of the Interior. Original materials will be used where

possible. The original architect's floor and room plans will be respected and preserved, and except where required by a superseding fire or other safety regulation there will be no additions to or modifications of the building exterior.

17. An outside firestair at the rear of the subject structure will be provided as required by the building code.

18. The structures on seventeenth Street between Rhode Island Avenue and N Street include a YMCA, a law firm a doctor's office, and an education research association. Across the street from the subject site is the Governor's House hotel.

19. An air-conditioning contractors association is adjacent to one side of the subject site.

20. There are no residences within 200 feet of the subject site.

21. Seventeenth street is a heavily traveled thoroughfare with metered curb parking during rush hour. Public transportation to the site is readily available including buses and subway. Due to the type of the applicant's clientele, the proposed use should not result in a perceptible alteration of existing traffic patterns and density in the immediate area.

22. The applicant will provide two parking space at the rear of the subject site. Two parking spaces are required by the Zoning Regulations. Of the current employees three use the metro. Those driving to the site will occupy the said two spaces or a nearby parking lot.

23. The existing structure contains 3,872.58 square feet of floor area. The Zoning Regulations permit a structure of only 3,555.25 square feet. The floor area ratio is 2.5 for the subject site.

24. A variance of 317.33 square feet or 8.93 percent is requested by the applicant.

25. The subject structure predates the current Zoning Regulations of May 12, 1958.

26. Adverse ownership of adjacent lots and a public alley to the rear of the subject site preclude the applicant from acquiring additional land area for the lot.

27. A portion of the subject structure would have to be removed in order to meet the required FAR. Removal of a portion of the structure is not practical since the original front and rear facades are intact and the site is located in a historic district.

28. By memorandum dated July 10, 1985, the Office of Planning recommended approval of this application provided the Historic Preservation Review Board approves the applicant's proposal. The Office of Planning was of the opinion that the applicant complies with Paragraphs 4401.44 and 8207.11 and Sub-section 8207.2 of the Zoning Regulations. The OP further reported that the proposed use will be in harmony with the existing uses in the block. The Board concurs with the reasoning and recommendation of the OP.

29. In a letter dated July 9, 1985, the Dupont Circle Advisory Neighborhood Commission 2B reported that at a duly noticed meeting a motion to approve the subject application was passed by a vote of four to one. The ANC reported that the applicant appeared at three meetings and explained the proposal, which involves no exterior alterations and restoration of the interior, and why the proposed use required the requested variance. The Board concurs with the ANC recommendation.

30. Six letters from property owners in the neighborhood of the subject site were received in support of the application on the grounds that the proposed use is consistent with the surrounding area and in their opinion the planned renovation would enhance both the structural soundness and aesthetics of the premises.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is requesting a special exceptions in order to be granted such relief, the applicant must demonstrate substantial compliance with the requirements of Paragraph 4101.44. The Board concludes that the applicant has met its burden of proof. The use, height bulk and design of the subject structure are in harmony with the existing uses and structures on neighboring property. The proposed use will not create dangerous or otherwise objectionable traffic conditions. And the proposed use is consistent with the intent and purpose of the SP-2 District.

The applicant is also 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 or 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 existence of the subject structure, which was built in 1900 and does not

conform to FAR requirements, constitutes a practical difficulty since the lot cannot reasonably be enlarged nor the square footage of the structure decreased.

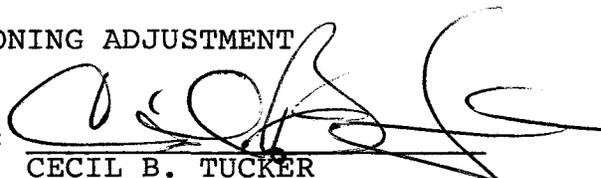
The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The renovation shall be subject to review and approval by the Historic Preservation Review Board.
2. The number of employees located on the subject premises shall not exceed sixteen persons.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh 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: 28 OCT 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.

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