

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14356 of Sidney Zlotnick and Renee Kraft, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the two on-site parking spaces requirements (Sub-section 7202.1) to construct an addition to an existing retail and office building in a C-2-A District at premises 1220 Wisconsin Avenue, N.W. (Square 1207, Lot 113).

HEARING DATE: November 13, 1985

DECISION DATE: December 4, 1985

FINDINGS OF FACT:

1. The property is located on the west side of Wisconsin Avenue in the Georgetown Area between M and Prospect Street, N.W. It is known as premises 1220 Wisconsin and is in a C-2-A District.

2. The site is a narrow lot approximately 4,550 square feet in area. A building occupying approximately 4,100 square feet (ninety percent of the lot) is located on the property. There are no parking spaces located on the lot nor can the site provide any that would be accessible other than through the possible use of private property.

3. W. Bell and Company lease the building from the applicants to conduct a retail business. The company wishes to construct additional office space extending from the upper stories that occupy the front half of the building to the rear of the structure. This office space would not be used by either the applicant or the lessees; rather, the lessees would sub-let the additional space to someone else. Such addition would allow the applicant to use its full floor area ratio and also increase the economic return on the property to the applicants.

4. At the hearing on November 13, 1985, Advisory Neighborhood Commission (ANC) 2E reported its opposition to the application. The basis for the recommendation was the parking problems associated with the Georgetown area. ANC is concerned that the addition of office space, especially that which will not be used or needed by the present tenant, can only aggravate the existing traffic conditions. The Board concurs with the ANC reasoning and recommendation.

5. There was no evidence of record in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence in the record, the Board concludes that the applicants are seeking an area variance from the two parking spaces requirement for office space in a C-2-A District. Under Sub-section 7102.1, the applicants in excess of 3,000 square feet are required to provide a parking space for each 300 square feet of gross floor area and cellar floor area added. In order to be granted area variance relief, the applicants must demonstrate that the property is affected by an exceptional situation or condition in the property, that the strict application of the Zoning Regulations would result in practical difficulties on the owner, and that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, or integrity of the Zoning Regulations as or map. (Paragraph 8207.11).

The Board concludes that the applicants have failed to meet the burden of proof required for area variance relief. Specifically, the applicants have not demonstrated satisfactorily the practical difficulties of strict application of the Zoning Regulations on the owner. Furthermore, they have failed to show that the proposed addition would not affect adversely the public good.

The narrow lot coupled with the almost complete occupancy of the building on that lot is sufficient to establish that on site parking cannot be provided. The applicants misconstrue the language of the Regulations as to the practical difficulties on the owner. There are no practical difficulties in the present case, for the owner does not have any need to build. The additional office space proposed will simply provide on increase of revenue. The Board has no fault with a greater economic return provided it is obtainable through compliance with the Zoning Regulations. The Board concludes that the site is too small to absorb the plans of the applicants.

The Board further concludes that the proposed addition can only aggravate the acute parking problems of the Georgetown area. Practical consideration of office space use requires an examination of the external effects of such use. The applicants have failed to propose a plan which might mitigate the situation. The Board concludes that it has given the ANC the "great weight" to which it is entitled.

Accordingly, it is so ORDERED that this application is DENIED.

VOTE: 4-0 (William F. McIntosh, Maybelle T. Bennett, Charles R. Norris, and Carrie L. Thornhill, to deny; Douglas J. Patton not present, not voting)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

AUG 29 1986

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."