

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14469 of Donetta George, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the floor area ratio requirements (Paragraph 5301.11) for a use other than residential use for a proposed conversion of an existing structure to an office/retail and single family dwelling in a C-2-B District at premises 2311 - 18th Street, N.W., (Square 2560, Lot 801).

HEARING DATE: September 17, 1986
DECISION DATE: September 17, 1986

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of July 23, 1986. As a preliminary matter, the Board granted a continuance of the application until September 17, 1986, at the request of the applicant.
2. The site, known as premises 2311 - 18th Street, is located on the east side of 18th Street three lots north of its intersection with Kalorama Road. It is in the C-2-B District.
3. The site is rectangular in shape with a frontage of 20.11 feet along 18th Street and a depth of 92 feet. The rear lot line is adjacent to a 16 foot wide public alley. The site is improved with a three story plus basement brick row building constructed circa 1915.
4. The C-2-B District extends to the north and immediate south of the site. A C-M-2 District is located to the east of the site. A C-2-A District is located approximately 120 feet to the south of the site. The block of 18th Street on which the site is located is developed with rowhouses similar to the subject structure that have been converted to commercial use. In most cases, the first and second floors of these rowhouses contain retail and/or office use.
5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the floor area ratio requirements (Paragraph 5301.11) for a use other than residential use for a proposed conversion of an existing structure to an office/retail and single family dwelling.

6. The most recent certificate of occupancy No. B-312487, dated February 14, 1986, for the structure permits a rooming house. The structure was most recently occupied as professional offices without a valid certificate of occupancy.

7. The existing C-2-B zoning on the site would allow a total floor area ratio (FAR) of 3.5 for residential uses and 1.5 for commercial uses.

8. The applicant proposes to use the basement and first floor of the structure for retail use, the second floor for office use and the third floor for residential use.

9. This proposal would exceed the allowed 1.5 FAR by 50.53 square feet or 1.83 percent.

10. The variance is requested to include the basement area as well as the lean-to area above the garage (which will continue to be used for residential purposes) into the commercial floor area. These areas are adjacent to the main commercial space. They are separated by one story from the residential use on the third floor.

11. The retail use occupying the first floor and a portion of the basement will be operated by the applicant as "The Brass Knob" an architectural antique store which presently operates at an adjacent site.

12. Alterations to the structure will be limited to renovations. The footprint of the building will not be increased.

13. By memorandum dated July 22, 1986, the Office of Planning (OP) recommended approval of the application on the grounds that the requested variance is nominal and arises from the practical difficulty presented by the layout of the building. The proposed conversion of the structure is in keeping with the character of the street and is not likely to create objectionable conditions in the area. The Board concurs with the reasoning and recommendation of the OP.

14. Advisory Neighborhood Commission 1C filed no report on the application.

15. A letter from neighboring property owners was submitted to the record stating that they had no objection to the application.

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

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CONCLUSIONS OF LAW AND OPINION

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, 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 relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The Board concludes that the applicant has met the burden of proof. The applicant seeks to increase the commercial FAR on the site to 2,826.01 square feet necessitating a variance of 50.53 square feet or 1.83 percent. A FAR of 1.5 is allowed for commercial use in the building. Even with the additional floor area devoted to commercial use, the total FAR of the premises will still be far below the overall 3.5 FAR limit for the C-2-B District. The use of a portion of the basement and the lean-to area above the garage for commercial purposes is minimal and logical as these areas are adjacent to the existing commercial space. They are far removed from the third floor which is used as residential space.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

Accordingly, it is hereby ORDERED that the application is granted.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 8 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."

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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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