

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14577, of Robert A. Weinstein, et al., pursuant to Paragraph 8207.11 (3107.2, DCMR 11) of the Zoning Regulations, for a variance from the maximum allowable floor area ratio requirements for office use (Sub-section 5301.1 (771, DCMR 11) for the proposed renovation of an existing structure for commercial office use in a C-2-A District at premises 420 - 10th Street, S.E., (Square 972, Lot 58).

HEARING DATE: March 25, 1987
DECISION DATE: March 25, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The property, known as premises 420 10th Street, S.E. is located at the northeast corner of 10th Street and Pennsylvania Avenue, in a C-2-A Zone District.
2. The lot is trapezoidal in shape with an irregular jog at the rear. The width of the lot is 17.00 ft. Its lengths are 50.96 feet along the northern property line and 45.48 feet along its southern property line. The lot area is 734 square feet.
3. The site is improved with a three story brick row building with a basement. The building footprint on the lot is 549 square feet. The total floor area of the building is 2176.0 square feet.
4. The site is accessible from 10th Street.
5. The most recent use of the structure was residential. It is currently in derelict condition and vacant.
6. The structure is located in the Pennsylvania Avenue commercial corridor, two blocks from the Eastern Market Metro station stop.
7. Pursuant to Paragraph 8207.11 (3107.2 DCMR 11) of the Zoning Regulations. The applicant is seeking a variance from the maximum allowable floor area ratio requirements for

office use (Sub-section 5301.1) (771, DCMR 11) for the proposed renovation of the entire structure for commercial office use.

8. The structure is situated within the Capitol Hill Historic District. The applicants propose to renovate the structure in compliance with the Standards of the Secretary for the Department of the Interior in order to qualify for the tax credit available for preserved historic structures.

9. The building is two rooms deep with floor areas of approximately 500 square feet. Its rear yard is actually a court excavated to the level of the basement floor which is approximately six feet below the level of the yard to the north. The court of the structure to the south is even more minimal. There is a concrete block wall separating the two sunken courts. Thus, the rear yard is surrounded on two sides by building walls, extending upward thirty or more feet, and on the other two sides by walls: one a six foot retaining wall, the other a tall concrete block wall. Because of the orientation and the surrounding walls, the rear yard is perpetually dark. The front of the building is on the property line with a bay projecting beyond the lot line. The area from the front of the bay to the line of the sidewalk is approximately ten feet deep.

10. The structure does not lend itself to the kind of subdivision which would be required under the 1.5 FAR Regulation. Splitting the building into two units, one residential and one commercial/office would require partitioning at the principal stairwell located on the main entry level. The main stairwell is one of the building's most significant architectural elements. There are considerable difficulties created by the BOCA code. Also, the changes which would be required to accommodate both commercial and residential use are likely to jeopardize the Certification of the renovation for eligibility for the tax credit for historic structures.

11. Under either the office only use or the half office and half residential use, complying with the code requirements for fire egress presents several practical and safety concerns difficulties.

12. A new fire escape on the front of the building could provide a second means of egress without requiring a protected corridor through the basement. This approach however, would not be consonant with the treatment generally accorded on a contributing building within the historic district.

13. The applicants intend to relocate their architectural firm from its present F Street, N.W. location to the site. The applicants are unable to renegotiate their present lease and therefore would benefit substantially if they were permitted to secure an interim tenant.

14. The applicants' firm currently employs eight to 12 persons. The applicants anticipate a maximum of 12 employees at the site. Twelve employees is the maximum number of employees the structure can comfortably accommodate.

15. By memorandum dated March 17, 1987, the Office of Planning (OP) recommended approval of the application.

16. By letter dated March 18, 1987, Advisory Neighborhood Commission (ANC) 6B reported its support for the application. The ANC recommended that the owner be the sole occupant of the building within two years of the project's completion.

17. By letter dated March 23, 1987, the Capitol Hill Restoration Society, Inc. reported that it voted to support the application.

18. All other persons who wished to testify either in favor of or in opposition to the application were provided an opportunity to do so.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is 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 relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section 5301.1 (771, DCMR 11) allows a floor area ratio of 1.5, or 1,101.0 square feet for the commercial use of the site. The applicants propose to use 2,176.0 square feet for commercial use necessitating a variance of 1,075.0 square feet or 97.64 percent.

The Board concludes that the applicants have met the burden of proof. The landlocked condition of the site renders it impractical for the applicant to comply with building code access requirements for mixed-use, commercial/residential structures.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public

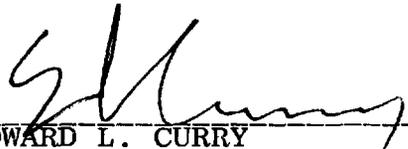
good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. That construction shall be in accordance with the plans marked as Exhibit No. 6 of the record.
2. The owner/applicant will occupy the premise as office space for their architectural firm commencing on a date not later than two (2) years from the date on which this order shall become final.
3. The applicant may let the premises under terms and conditions not inconsistent with this Order.

VOTE: 3-0 (William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

JUN 2 1987

FINAL DATE OF ORDER: _____

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.