

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14609 of Gerda S. and Agostino S. Buttinelli, Trustees for Residuary Trust of Agostina Buttinelli, pursuant to Paragraph 8207.11 (3107.2 DCMR 11) of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1, 2101.1 DCMR 11) in the C-3-B District at premises 1629 Connecticut Avenue, N.W., (Square 111, Lot 816).

HEARING DATE: May 20, 1987
DECISION DATE: June 3, 1987

FINDINGS OF FACT:

1. The subject site is located on the east side of Connecticut Avenue between Q and R Streets, approximately one and a half blocks northwest of Dupont Circle and is known as 1629 Connecticut Avenue, N.W. It is zoned C-3-B.
2. The subject property has a lot area of 3,827 square feet. The site has a width of 40.5 feet along its Connecticut Avenue frontage, a depth of 92.71 feet along the north property line, and a depth of 95.67 feet along the south property line. The subject property abuts other structures to the north and south. An existing alley to the east or rear of the site is fifteen feet wide with a ten foot intersecting alley. The site is located on a limited one-way northbound service roadway along Connecticut Avenue.
3. The site is improved with a one-story stucco structure which has been vacant for several years and is in a severely deteriorated condition. The structure was formerly used as a restaurant/nightclub known as the "Junkanoo".
4. The site is located in the Dupont Circle Historic District. The applicant has received approval from the State Historic Preservation Review Board to demolish the existing structure.
5. The applicant proposes to demolish the existing structure and construct a new two-story plus basement retail structure with a floor area of approximately 5,740.83 square feet.
6. The Zoning Regulations require that the applicant provide four on-site parking spaces. The applicant does not

propose any on-site parking and, therefore, seeks a 100 percent variance from the parking requirements.

7. The properties along the 1600 block of the east side of Connecticut Avenue are all zoned C-3-B with the majority of the existing structures being four-stories with offices above retail space. Across the street in Square 93, 20th Street from Q Street to Hillyer Place, is a block of renovated four-story row structures. The structures in Square 93 along Connecticut Avenue from Hillyer Place to R Street are mostly new structures from five to seven stories in height.

8. Because of the size and location of the subject property and the restricted alley access, it is not feasible to provide the required four parking spaces on the site. Because of the narrow width of the lot, it is impossible to provide underground parking accessed by a parking ramp. The required width of the ramp and the required width of the spaces would leave no room for cars to make a turn once they have entered the garage. Further, because of the restricted alley width, access to an underground garage would require a curb cut on the narrow one-way service roadway for Connecticut Avenue which creates additional practical difficulties for cars attempting to enter a garage.

9. Because of the narrow width of the property, the fact that the height of the building is lower than that which would be permitted under the Zoning Regulations in order to be in keeping with the character of the Historic District, and the desire to provide retail space at street level, it is physically impossible to locate four parking spaces at grade.

10. The applicant proposes to provide an open area at the rear of the building which will be used for placement of the trash dumpster and would allow space for vehicles to pull out of the alley for delivery and trash pick-up purposes. This area would be landscaped with planter boxes. The applicant is not required to provide a loading berth under the Zoning Regulations.

11. The site has good accessibility to public transportation. The Dupont Circle Metrorail Station portal is at Connecticut and Q Street, less than one block from the subject site. Additionally, Metrobuses L1, L3, L4, L7, L8, L9, H6, 40, 42, 44 and 46 operate on Connecticut Avenue.

12. By BZA Order No. 14060, dated April 5, 1984, the Board granted a variance from the parking requirements to the applicant to permit construction of a four-story retail/office building on the subject site. That approval was conditioned so as to limit the Certificate of Occupancy for the subject building to that period of time for which

the applicant could demonstrate a lease for five parking spaces within 1,000 feet of the front entrance of the building for the exclusive use of the tenants of the building.

13. The applicant testified at the public hearing that he was unable to lease the requisite parking spaces within the 1,000 foot restriction for a period in excess of two years. The applicant was unwilling to undertake the financial risk of constructing a building for which the Certificate of Occupancy could not be guaranteed for more than two years.

14. By letter dated May 12, 1987, Advisory Neighborhood Commission 2B indicated its support for the requested parking variance and encouraged the use of the area at the rear of the building for deliveries. The ANC did not set forth specific issues and concerns related to zoning standards as required by Section 3307.1 of the Supplemental Rules of Practice and Procedure before the BZA.

15. The Dupont Circle Citizens Association, by letter dated May 20, 1987 and a representative at the public hearing, supported the application. The DCCA was of the opinion that the proposed structure blends in well with the existing buildings and that it is not practical to provide parking on site. The DCCA supports the use of the area to the rear of the building for a dumpster and deliveries as proposed by the applicant.

16. A representative of the Residential Action Coalition and a resident of a nearby apartment building testified in opposition to the application. The opposition was based on its opinion that parking could be provided on site; the impact the proposed use would have on existing traffic and parking; the design of the building; the lack of knowledge of the type of uses to be located within the building; and the existing problem with illegal parking in the alley.

17. In addressing the concerns raised by the opposition, the Board finds that although it may be possible to provide one or two parking spaces at the rear of the property, the provision of those spaces would not meet the requirements of the Zoning Regulations nor lessen any impact on existing traffic and would create a practical difficulty in terms of the redesign and reconfiguration of the building including the loss of space on the ground floor and the displacement of an area set aside for deliveries and the trash dumpster. The Board notes that the concern with the design of the building is not within its jurisdiction. The Board further notes that the uses to be located within the building will properly be limited to uses permitted in the zone district in which the property is located.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires the showing of an exceptional or extraordinary condition, inherent in the property itself, which creates a practical difficulty upon the owner. The Board concludes that the restricted alley access, the location of the site within the Dupont Circle Historic District and the narrow width of the property combined represent an extraordinary condition inherent in the property and constitute a practical difficulty. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that it has afforded the ANC the "great weight" to which it is entitled. Accordingly it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Patricia N. Mathews, Paula L. Jewell, William F. McIntosh, Charles R. Norris 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: AUG 12 1987

UNDER 11 DCMR 3103.1, "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.