

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14665 of James J. Bierbower and Mark B. Bierbower, pursuant to 11 DCMR 3108.1 of the Zoning Regulations, for a special exception under Section 508 to establish a law office in an SP-2 District at premises 1308 - 19th Street, N.W., (Square 115, Lot 65).

HEARING DATE: September 9, 1987

DECISION DATE: September 9, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the west side of 19th Street, N.W., between Sunderland Place to the north and N Street, to the south and is known as 1308 19th Street, N.W., (Square 115, Lot 65). The property is located in an SP-2 District.

2. The site is rectangular in shape and has a land area of 1,390 square feet. The site has a width of 20 feet and a depth of 69.50 feet. The site is improved with a three-story plus basement brick row building. The structure is currently vacant. Until recently, the building was used as the offices of Temporaries, Inc. under a certificate of occupancy as a school to train managers, counselors, and other permanent employees. The building has been used for nonresidential purposes since 1948.

3. Pursuant to Sub-section 3108.1 of the Zoning Regulation's the Applicants are seeking a special exception to occupy the entire building as a law office for the firm of Bierbower and Bierbower.

4. The SP District in which the site is located immediately abuts a C-3-C District to the north, east and south, and an R-5-B District two blocks to the west. The site is one of nine contiguous rowhouses on the west side of 19th Street, and the south side of Sunderland Place. Of the the nine buildings, eight have a long history of nonresidential use. The rowhouse immediately to the north of the site at 1310 19th Street has been used for nonresidential purposes for at least 20 years. To the west of the site, on the south side of Sunderland Place, are five row buildings that have been used as offices since the 1960's.

5. The neighborhood in which the site is located contains a variety of uses, the predominant of which is

office use. The uses in the surrounding area are as follows:

- A. South of the site along the west side of 19th Street, just north of N Street, is an eight-story SP office building, with the three-story national headquarters of the Defenders of Wildlife to the south of N Street. Further south, in the C-3-C District, are several eight and nine story office buildings with ground level retail uses.
- B. To the north of the site, on the 19th Street, across Sunderland Place, is a nine-story office building, a 12-story office building approved as a PUD (with retail and a parking garage below ground and restaurant on the ground level), and the eight-story Euram building restaurant with a ground level.
- C. Directly east of the subject site across 19th Street, between N Street and Dupont Circle is the eight-story International Association of Machinists office building (approved as a PUD) with various ground level retail uses. Immediately north of the International Association of Machinists building is an eleven-story office building, known as the Dupont Circle Building, which is currently under renovation for office and retail uses.
- D. South of N Street, on the east side of 19th Street, in the C-3-C District, is an eight-story office building, with two restaurants, and a three-story office building. Further south along 19th Street, just north of M Street, is a four-story office building and the three-story Flaps Restaurant.

6. No exterior changes to the building are proposed. Signage on the building will be limited to one small plaque.

7. The law firm of Bierbower and Bierbower has a total of nine full-time employees. This figure includes five full-time attorneys and four support staff members. Two additional attorneys are associated with Bierbower and Bierbower in an "of counsel" status and will work on the site on an occasional basis. The firm does not anticipate any growth as a result of its relocation to the subject site.

8. There are three parking spaces at the rear of the

subject site to serve the three attorneys who generally drive to work. Of the remaining six full-time employees, one staff person carpools with the car parked elsewhere and the others walk or use public transportation. The number of visitors from outside the neighborhood will be limited and will primarily arrive by cab or metro.

9. The Applicants' traffic and transportation expert testified that the proposed use will have no adverse impact on traffic conditions in the area. The expert testified that the site is less than one block from the Dupont Circle Metrorail station and 18 Metrobus routes pass within one block of the site. The expert concluded that based on the excellent public transportation in the area and the proposed occupancy of the building, the existing three parking spaces will be adequate to serve needs of the building's occupants. The Board so finds.

10. The Office of Planning (OP), by memorandum dated August 27, 1987, and through testimony at the public hearing, recommended approval of the application. OP reported that the Applicants' intended use of the property is in harmony with the office use existing on the neighboring properties. OP noted further that the area contains a mix of uses, the predominant use being office use, and that such use is characteristic of the SP District. The OP report also states that the proposed use of the property would create no objectionable traffic impact in the area. OP noted that there are three parking spaces on the site and that these three spaces are adequate to serve the needs of the Applicants nine full-time employees. The site is served by excellent public transportation. The OP concluded that if approved, the application would be consistent with the provisions of Sections 3108.1 and 508, DCMR 11. The Board concurs with the findings and conclusions of the Office of Planning.

11. By letter dated September 1, 1987, Advisory Neighborhood Commission (ANC) 2B, notified the Board that it had voted to take no position on this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record, the Board concludes that the Applicants are seeking a special exception to convert a vacant building into law offices at 1308 19th Street, N.W. The grant of the application requires that the requirements of Sub-section 3108.1 and Section 508 of the Zoning Regulation's are met. The Board concludes that the Applicants have substantially complied with the requirements of the Zoning Regulations.

The Applicant has demonstrated that the proposed law

office use of the building will be in harmony with existing uses on neighboring property. The predominant uses in the vicinity of 1308 19th Street, are office uses, with a characteristic mix of uses found in other SP areas throughout the city. The proposed SP office use and density is consistent and compatible with the range of office uses in the area.

The Board further concludes that the height, bulk and design of 1308 19th Street, N.W. will continue to be in harmony with neighboring properties because no exterior changes are requested in connection with this application.

The Board concludes that the use will not create any dangerous or other objectionable traffic conditions. The Board concludes that the three on-site parking spaces, together with the parking garages and the public transportation to the site, are adequate to serve the needs of the proposed law office use.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

Accordingly, it is hereby ORDERED that this application is GRANTED.

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

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 23 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."

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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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