

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14729 of the Tudor Place Foundation, Inc., pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 216 to establish a nonprofit organization, or in the alternative, a variance from the use provisions of Section 201 to establish a museum in an R-1-B District at premises 1644 31st Street, N.W. (Square 1281, Lot 830).

HEARING DATE: January 20, 1988

DECISION DATE: January 20, 1988 (Bench decision)

FINDINGS OF FACT:

1. The site, known as Tudor Place, is located at 1644 31st Street, N.W., and is bounded by 31st, 32nd and Q Street. Tudor Place is located in an R-1-B zoning district. The property comprises the majority of Square 1281 and consists of approximately 5.5 acres. The property is owned by the Tudor Place Foundation, Inc.

2. Tudor Place consists of the main residence, several accessory buildings, and an extensive garden. The entire site, including the building and grounds, is a national historic landmark, listed on both the National Register of Historic Places and the District of Columbia Inventory of Historic Sites. The main house was completed in 1816 and contains 10,501.68 square feet of gross floor area.

3. The R-1-B District extends to the north and east of the site. Further east is an R-3 District which extends to the south and west of the site. Approximately 100 feet west of the site is a C-2-A District along Wisconsin Avenue. The area is generally characterized by single-family detached semi-detached and row dwellings, multi-family structures, institutional uses, and commercial uses along Wisconsin Avenue.

4. Tudor Place remained in the continuous ownership of the Peter family from 1805 until 1983, in which year Armistead Peter, 3rd died and left the property to Tudor Place Foundation, Inc. The gift to the Foundation included not only the house and the grounds, but the entire contents of the house. The Peters had a large and varied collection of art and artifacts spanning over 180 years.

5. The Tudor Place Foundation, Inc. was incorporated in 1966 in the District of Columbia, under the District of Columbia Non-Profit Corporation Act. The Tudor Place Foundation, Inc.,'s goal is to operate Tudor Place as a non-profit organization and to preserve the significant artifacts of the Peter Family and the buildings and grounds of the historic property.

6. The operations of the Foundation are managed by a full-time staff of six. Supplementing the permanent full-time employees, there will be a staff of volunteer docents to give conducted tours of the house. It is the intention of the Tudor Place Foundation, consistent with Mr. Peter's will, that Tudor Place be open to the public. To protect the character of the property and its surroundings and to ensure tours of the highest quality, Tudor Place will be open by appointment only.

7. Tudor Place Foundation, Inc. meets the definition of a non-profit organization under Section 199 of the Zoning Regulations. The Foundation is a 501(c) (3) non-profit organization, and is registered under the D.C. Non-Profit Corporation Act. Tudor Place is a designated landmark building which is listed on the District of Columbia's Inventory of Historic Sites.

8. Tudor Place is heavily buffered with fencing, trees and woodland from the adjacent residential neighborhoods. Tours of Tudor Place will take place on the grounds in the main residence, and will have no impact on adjacent properties. The number of visitors, the length of a visit, and the hours of operation will be carefully controlled by the Tudor Place Foundation.

9. A survey of comparable historic sites in the District of Columbia indicated an average of between seven and 30 visitors per day, during the week. On the weekend, the number of visitors ranged between ten and 65 per day. Total bus visitations ranged between one and five per month. Given the small number of expected visitors and the nature of the visit, the intensity of the proposed use at Tudor Place is expected to be low. Based on the survey and the nature of the site, an average visitation rate from 16 to 20 people per day has been projected for Tudor Place.

10. There will be two distinct types of tours of Tudor Place, regular tours and group tours. The regular tour is for individuals with an appointment. The maximum tour size is limited to 15 people. Tudor Place will have group tours of visitors arriving by bus, up to a maximum of approximately 46 people, or one bus load per tour.

11. The traffic consultant for the applicant testified that he had prepared an analysis of the expected number of visitors to Tudor Place and the capacity of existing on-street parking to accommodate visitors to the site. Parking demand varies with the type of tour. Based upon his analysis, with a maximum capacity of 15 visitors per tour, there would be a demand of seven or eight parking spaces for visitors for the regular tour. However, the survey of comparable historic sites indicates that Tudor Place should expect an average of 16 to 20 visitors per day, or four to five people per tour. The traffic consultant's surveys indicate an abundance of on-street parking spaces to satisfy the parking needs of visitors to Tudor Place. Buses coming to the site will be directed to park at the legal bus parking spaces nearby, such as the site bordering K Street in Georgetown and other appropriate areas. Parking for the staff of six regular employees and four tour guides will be on the Tudor Place property.

12. Initially the sale of items at Tudor Place will be limited to postcards. In the future, the Tudor Place Foundation plans to sell publications and related materials associated with the history of Tudor Place--the residence, the gardens, the Peter family, and the collections. Funds generated from such sales will be used for the benefit of the Foundation.

13. No additions or major modifications to the exterior of the buildings or site are proposed or contemplated.

14. The Zoning Administrator has determined that the Applicant should seek, in the alternative, variance relief from the Board for museum use of the property.

15. The Applicant testified that the subject property is affected by exceptional and unusual situations or conditions due to the historic nature of the property and the restrictive conditions governing both the use and the physical condition of the property.

16. The Peters of the 20th Century made it their life goal to protect the original character of the estate. Since Mr. Peter's death in 1983, the Tudor Place Foundation has been preparing the house, gardens, and collections for opening to the public, as specified in Mr. Peter's will.

17. The Applicant testified that the property is significant and exceptional due to several factors, including the size and history of the special parcel, the family's historical prominence, the linkage of Tudor Place and the Peter family to George and Martha Washington, and other similar factors. The Board finds that the occupancy of Tudor Place by the Peter family for six generations from its purchase in 1805 until 1983 has caused Tudor Place and the

Peters' collections to become exceptional. External, societal changes have caused the dissolution and subdivision of many large estates. Tudor Place remains essentially as it has been for the least 180 years, as an architecturally and historically significant living monument to an earlier era. Few if any large estates in the city can claim such distinction. Tudor Place is subject to a scenic easement with the U.S. Government. By virtue of the unique situation and history of the property, Armistead Peter, 3rd, donated a scenic easement to the U.S. Department of the Interior in 1966, under the Historic Sites Act of 1935, 16 U.S.C. 461. The Board finds that the size of the subject site, the location of a large intact estate within the urban village of Georgetown, the Peter family's six generation history at Tudor Place, the clear intent of Mr. Peter's will to open Tudor Place to the public, the scenic easement with the U.S. Government, Tudor Place's designation as a National Historic Landmark, and the historic nature and architectural significance of the main residence are all unique situations or conditions affecting the property.

18. The Applicant testified, and the Board finds, that strict application of the Zoning Regulations would result in undue hardship to the Applicant. The subject property is located in the R-1-B District, which is a restricted residential zone in the District of Columbia. Because of the unsurpassed architectural and historic significance of Tudor Place, the gardens, the large amount of self-contained property in Georgetown and the focus of educational efforts not only on the collections, but the history of the house, the grounds, and the family, it is not possible to relocate the entire site and collections to a zoning district in which a museum use would be permitted by right.

19. The Applicant testified, and the Board finds, that there are few if any uses which could reasonably be made of the property if the Applicant were required to strictly comply with the Zoning Regulations. The Foundation has no need for the property as a single-family home, embassy or church. The Applicant testified that under present economic conditions, it would be difficult to find a buyer capable of purchasing the estate intact for use as a single-family home. Foxhall Crescents and Hillandale are examples of estates being purchased, not for single-family occupancy, but rather for subdivision. The Applicant testified, and the Board finds, that, if no alternate use were found for the property, a remaining option available to the Applicant would be to develop the property, consistent with the Zoning Regulations.

20. The Board finds that if the requested variance is not granted, the Applicant is left with a 10,000 square foot main residence of nationally significant architectural prominence, other related buildings, 5.5 acres of property

in Georgetown, and an extensive collection of art and objects, all of which would be totally inaccessible to the public. No matter how great the desire of the public to see Tudor Place and the collections, such a use would not be allowed. Combined with the fact that the impacts imposed by the proposed use are expected to be limited, the Applicant's inability to use the property as a museum meets the definition of "undue hardship".

21. The Applicant and the traffic engineer testified that the proposed use of Tudor Place will not adversely impact the neighborhood in terms of traffic or parking.

22. The Office of Planning, by memorandum dated January 13, 1988, reported that the Applicant has met the required tests for the relief requested and it recommended approval of the application. The Board concurs.

23. By letter dated January 11, 1988, ANC 2E unanimously recommended approval of Tudor Place's application for a special exception, but not a use variance, subject to the following conditions:

- a. That the approval of the exception or variance be granted for a period of five years, at which time the Foundation would return to request a permanent exception or variance.
- b. That the historic site be open to the public no earlier than 9:00 A.M. and close no later than 4:40 P.M. on all days except Sundays. Hours of operation on Sundays would be restricted to between 12:00 noon and 4:30 P.M.
- c. That admission to Tudor Place be by appointment only.
- d. That non-group tours be limited to a maximum of 15 people.
- e. That the number of regular tours be limited to seven per day.
- f. That buses bringing group tours be directed to legal bus parking spaces within the District of Columbia, such as those presently bordering K Street, and that there will be no bus parking permitted on the Tudor Place premises.
- g. That fund raising activities at Tudor Place be in keeping with the historical integrity and dignity of Tudor Place and comport with

the charitable and educational purposes of the Foundation.

By letter dated January 11, 1988, and by testimony at the hearing, the Applicant agreed to the above conditions, as well as the condition not to use the property's 32nd Street entrance as the museum entrance for the public. The Board concurs with the recommendation of the ANC.

24. By letter dated January 20, 1988, The Citizens Association of Georgetown stated that at their regularly scheduled meeting on January 11, 1988 they passed a resolution endorsing the position taken by ANC 2E in support of the non-profit use at Tudor Place.

25. There were numerous letters in the record in support of the application.

26. There was no opposition to this application, either of record or at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that relief can be granted in this case through a special exception under Section 216 to permit the use of existing residential buildings and the land on which they are located to be used by a non-profit organization for the purposes of the non-profit organization, provided that specific conditions are met. The granting of such a special exception requires that the proposed use meet the requirements of Section 216 and Section 3108.1 of the Zoning Regulations.

Section 216.1 - The organization is a non-profit organization.

Section 216.1(a) - The Property is listed in the District's Inventory of Historic Sites.

Section 216.1(b) - The gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet or greater.

Section 216.2 - The use of Tudor Place by the nonprofit organization, Tudor Place Foundation, Inc., will not adversely affect the use of the neighboring properties.

Section 216.3 - The amount and arrangement of parking spaces are adequate and are located to minimize traffic impact on the adjacent neighborhood.

Section 216.4 - There will be no goods, chattel, wares or merchandise commercially created, exchanged or sold

at Tudor Place, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.

Section 216.5 - Any additions to the building or any major modifications to the building or to the site shall require the prior approval of the Board.

The Board concludes that the Applicant has met its burden of proof. The Tudor Place Foundation is a non-profit organization meeting the definition of Section 199 of the Zoning Regulations. Tudor Place is a designated landmark building which is listed on the District of Columbia's Inventory of Historic Sites. The main residence of Tudor Place contains 10,501.68 square feet of gross floor area. The proposed use of Tudor Place for the non-profit organization, the Tudor Place Foundation, Inc., will not adversely effect the neighboring community. As an historic site no parking spaces are required pursuant to Section 2100.5 of the Zoning Regulations. There is, however, adequate street parking in the adjacent area and therefore the proposed use of Tudor Place by a limited number of visitors is not likely to create neighborhood traffic or parking problems. Parking for the staff of six regular employees and four tour guides will be on the Tudor Place property. Initially, the sale of items at Tudor Place will be limited to postcards. In the future, the Tudor Place Foundation plans to sell publications or related materials associated with the history of Tudor Place--the residence, the gardens, the Peter family, and the collections. No additions or major modifications to the exterior of the buildings or site are proposed or contemplated. Further, such activities are regulated by a scenic easement.

The Board further concludes that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board has accorded the ANC the "great weight" to which it is entitled.

Accordingly the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.
2. The hours of operation shall not exceed from 9:00 A.M. to 4:30 P.M., Monday through Saturday, and from 12 noon to 4:30 P.M. on Sunday.
3. Admission shall be by appointment only.
4. The number of regularly scheduled tours shall not exceed seven per day.

5. Non-group tours shall be limited to a maximum of fifteen persons.
6. Buses bringing group tours to the site shall park in legal bus parking areas within the District of Columbia, such as those along K Street. There shall be no bus parking on the subject site.
7. Fund raising activities shall be in keeping with the historical integrity of the premises and shall comport with the charitable and educational purposes of the foundation.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh, 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  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

APR 22 1988

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.

order14729/LEE1

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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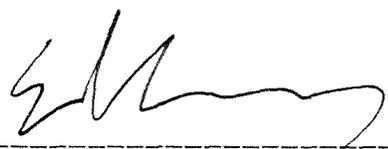
APPLICATION No. 14729

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 22 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY  
Executive Director

DATE: APR 22 1988-----

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Collins