

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14753 of 1224 M Street Investment Company and 1218-1224 M Street Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Sub-section 508.1 to establish an office for a non-profit organization/professional office for a proposed addition and conversion of a structure in an SP-2 District at premises 1218-1224 M Street, N.W., (Square 282, Lots 42 and 28).

HEARING DATE: February 17, 1988
DECISION DATE: March 2, 1988

FINDINGS OF FACT:

1. The site is located on the south side of M Street, between 12th and 13th Streets, and is known as premises 1218 and 1224 M Street, N.W. It is zoned SP-2.
2. The site is basically rectangular in shape, with a width of seventy-two feet along M Street and a depth of ninety feet. A ten foot wide public alley is located to the rear of the site.
3. The lot comprises approximately 6,480 square feet and is improved with a three story row house on the eastern portion and a three-story eighteen unit apartment building on the western portion of the site.
4. The existing structures have been vacant for approximately ten years and are in a deteriorated condition. The applicant proposes to raze the existing townhouse and rebuild it to the current dimensions and foot print, and to renovate the existing apartment building in order to utilize both structures for SP type office space.
5. The area surrounding the property is primarily residential in nature with high rise apartments to the north, a mid-rise apartment building and single and multi-family row dwellings to the east and west, and high rise apartment buildings to the south and east, interspersed with hotel use to the north, the National Institute of Cosmetology to the south, WACADA to the east, and the American Adoption Agency immediately adjacent to the subject site.
6. Section 508 of the Zoning Regulations allows for an office of an international organization, non-profit organization, labor union, architect, dentist, doctor,

engineer, lawyer, or similar professional persons subject to BZA approval, based on the criteria set forth in Sections 508.2 through 508.5.

7. The existing three-story and cellar row house was constructed as a single family dwelling in approximately 1930. The structure has been vacant for approximately ten years. The building has suffered extensive fire and water damage and is physically unsound.

8. The existing three-story and cellar apartment building was constructed in approximately 1930. The building has been vacant for approximately ten years. The interior of the building has been virtually gutted, but the building is structurally sound.

9. The applicant proposes to raze the unsound row dwelling and rebuild within the same envelope. The apartment building will be renovated and joined to the new structure at 1218 M Street. The height, bulk, and design of the structures will be identical to the currently existing buildings and will be in harmony with the existing structures or neighboring property along the south side of M Street.

10. The proposed office building will contain approximately 16,263.28 square feet of gross floor area. The maximum floor area ratio is 3.5 which would permit 22,650 square feet of gross floor area.

11. The applicant is required to provide three on-site parking spaces. The applicant proposes to provide eight tandem parking spaces at the rear of the property. Access to the parking area will be via the existing ten foot public alley.

12. There are fifteen Metro bus routes within two blocks of the subject site. The McPherson Square Metro rail Station is a ten minute walk from the site. Public parking is available on the east side of 13th Street north of K Street, and 13th and N Streets.

13. The prospective tenants of the building will be SP qualifying professional office tenants. The applicant does not have a specific tenant for the property at present. Based on the gross floor area of the building, the applicant estimates a maximum of fifty-eight employees could occupy the premises.

14. The Office of Planning, by memorandum dated February 10, 1988, recommended that the application be denied. The OP was of the opinion that the proposal contradicts the intent of the SP District and the policy of the executive branch to encourage the retention, improvement and

expansion of the housing stock north of Massachusetts Avenue.

15. The Board does not concur with the recommendation of the OP. The Board notes that the proposed use is permitted as a special exception in the SP District subject to Board approval. The Board further notes that the major purpose of the SP District is to act as a buffer between commercial and residential areas and to ensure that new development is compatible in use, scale and design with the transitional function of the zone district. The SP District is designed to protect "areas adjacent to commercial districts that contain a mix of row houses, apartments, offices, and institutions ..." The Board finds that the proposed use is not contradictory to the intent and purpose of the SP District.

16. Advisory Neighborhood Commission 2C, by letter dated February 5, 1988, recommended approval of the application. The ANC noted that it generally encourages housing whenever possible, but that the subject buildings have been vacant for a number of years and have been a problem with regard to transients, debris, illegal activities and vermin. The Board concurs with the recommendation of the ANC.

17. The record contains one letter in support of the application.

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

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 a special exception, the granting of which requires a showing through substantial evidence, of compliance with the criteria of Section 508.1. The Board concludes that the applicant has met its burden of proof. The Board concludes that the use, height, bulk and design of the structure will be in harmony with the existing uses and structures on neighboring properties as set forth in Finding of Fact No. 9. The proposed use will not create any dangerous or otherwise objectionable traffic impacts as set forth in Finding of Facts No. 11 and 12. No variance relief is requested.

The Board further concludes that the approval of the special exception as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to effect adversely the use of neighboring property. Accordingly, it

is ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. The maximum number of employees occupying the premises shall not exceed sixty.
2. There shall be eight tandem parking spaces provided at the rear of the site.
3. The tenants shall encourage the use of public transportation and carpooling.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, and Carrie L. Thornhill to grant; Elliott Carroll to grant by proxy).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 17 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.

14753order/KATE25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14753

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 _____, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Dale Dracup
4820 Nebraska Ave., N.W.
City 20016

Clarene Martin, ANC 2C
Garrison School
1200 S St., N.W. #202
City 20009

Pierre Debbane, Gen. Ptnr.
1218-24 M St. Gen. Ptship.
6786 Surreywool Pl.
Bethesda, MD 20034

A handwritten signature in black ink, appearing to read "E. Curry", is written over a horizontal dashed line.

EDWARD L. CURRY
Executive Director

JUN 17 1988

DATE: _____