

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15380 of Jean-Michel Lareuse, pursuant to 11 DCMR 3107.2, for a variance from the floor area ratio requirements (Sub-section 771.2), and a variance from the rear yard requirements (Sub-section 774.1) for an addition to a structure used as an art gallery in a C-2-A District at premises 2820 Pennsylvania Avenue, N.W. (Square 1195, Lot 816).

HEARING DATE:           October 24, 1990 and January 23, 1991  
DECISION DATE:         February 6, 1991

SUMMARY OF EVIDENCE OF RECORD:

1. The application was originally scheduled for the public hearing of October 24, 1990. At that public hearing, the applicant requested a continuance to allow an adequate period of time for review of the project by the Commission of Fine Arts and the Historic Preservation Review Board. The Board deferred the case until its public hearing of January 23, 1991.

2. The property is located on the south side of Pennsylvania Avenue between Potomac Rock Creek Parkway and 29th Street and is known as premises 2820 Pennsylvania Avenue, N.W. It is zoned C-2-A.

3. The property is slightly irregular in shape with a frontage of 13.29 feet along Pennsylvania Avenue, a depth of 54.27 feet on the east, a depth of 58.96 feet on the west, and a width of 11.88 feet at the rear for a total lot area of 672.9 square feet.

4. The property is located in the Georgetown Historic District and is currently improved with a two-story plus basement brick row structure which was constructed in the late nineteenth century and is part of a series of similar structures known as Diamond Row.

5. The applicant purchased the property in 1986 for operation as a commercial art gallery known as Galerie Lareuse. The applicant proposes to construct a two-story plus basement rear addition to provide for expansion of the gallery's display and storage areas, as well as a new fire stair.

6. The C-2-A District permits low density development including commercial retail and office use, as well as all types of residential use. The maximum allowable floor area ratio (FAR) in the C-2-A District is 2.5, no more than 1.5 of which may be devoted to nonresidential purposes. The minimum required rear yard in the C-2-A District is 15 feet.

7. The subject site would allow for a maximum non-residential floor area ratio of 1.5 or 1008.88 square feet. The existing structure contains 681.68 square feet and the proposed addition would contain 721.23 square feet for a total floor area ratio of 1402.91 square feet. A variance from the nonresidential floor area ratio requirements of 394.03 square feet or 39.05 percent is therefore required.

8. The existing structure measures approximately 12.5 feet by 28.69 feet with a rear yard of approximately 27 feet. The proposed addition would occupy the entire rear yard. A variance of 15 feet or 100 percent is therefore required.

9. The applicant testified that the subject lot is affected by extraordinary conditions inherent in the land, as follows:

- a. The subject lot is smaller than all but one of the five C-2-A zoned lots in the square and is exceptionally narrow.
- b. The existing rear yard is enclosed by the two- to three-story brick walls of the Four Seasons Hotel and office complex and a similar addition to a property located at 2814 Pennsylvania Avenue in the W-2 zoned portion of the square.
- c. The only access to the rear of the site is a four-foot wide private pedestrian alley which provides emergency egress and which is accessible through a gate leading from the Four Seasons complex and by descending ten stairs directly into the alley. There is no public alley in the subject square.
- d. The site is approximately 20 feet from the W-2 District which permits a 100 percent lot occupancy, a 2.0 commercial floor area ratio, and requires no rear yard.

10. The applicant testified that strict enforcement of the Zoning Regulations would cause practical difficulties as follows:

- a. A matter-of-right addition measuring approximately 10 by 12 feet would not be practical because the majority of such addition would be devoted to the provision of a fire stair necessary to meet building code requirements.
- b. It is impractical to build a third-story addition because of the historical nature of the area and the size and character of adjoining structures.

11. The applicant testified that the project would not adversely affect neighboring property for the following reasons:

- a. The rear of the property is not visible from Pennsylvania Avenue or from the entrance to the little used pedestrian walkway because of existing structures.
- b. The project will provide for more display and storage area but will not result in an increase in pedestrian or vehicular traffic to the site.
- c. The project will not affect light and air to the immediately adjoining properties because the rear windows and doors of those properties are unused and blocked off. Existing structures and walls would preclude the proposed addition from having any impact on any other properties in the square.
- d. There would be no significant change in open space or green area because the enclosed nature of the existing rear yard is not conducive to cultivating any plant life. The only existing plant life at the rear of the C-2-A properties is a mulberry tree which must be removed due to structural damage to the subject structure and adjacent property caused by its root system.

12. The Office of Planning (OP), by memorandum dated January 16, 1991, recommended that the application be denied. The OP was of the opinion that the requested variances were excessive and that the practical difficulty expressed by the applicant related more to the expanding business than the property itself. The OP was of the opinion that the subject site was similar in appearance and footprint to other C-2-A zoned properties in the subject square. The OP was further of the opinion that, although the proposed addition would not be visible from Pennsylvania Avenue, it would obstruct light and air to the adjoining properties and would diminish the quality of available open space at the rear.

13. The District Fire Chief, by memorandum dated August 21, 1990, offered no objection to the granting of the application. The Fire Chief noted that fire and life safety code requirements would be determined during the construction permit process.

14. By memorandum dated August 29, 1990, the D.C. Department of Public Works (DPW) offered no objection to the granting of the application. The DPW concluded that the proposal would have a negligible impact on the local transportation system.

15. The D.C. Metropolitan Police Department (MPD) by memorandum dated August 8, 1990, offered no opposition to the application. The MPD was of the opinion that the project would not affect the public safety in the immediate area nor generate an increase in the level of police services currently provided.

16. Advisory Neighborhood Commission (ANC) 2E, by letter dated October 16, 1991 and by representative at the public hearing, opposed the granting of the application. The bases for the ANC's opposition is summarized as follows:

- a. The applicant failed to meet the requisite standards for the granting of the requested variances in that there was no showing that the property was unique as one of a row of virtually identical buildings.
- b. The applicant would not suffer a practical difficulty in that the property may continue to be used for an art gallery. Further, the applicant can build a smaller addition as a matter-of-right.
- c. The proposed addition would have negative impacts in that it would infill the remainder of the lot, eliminating green open space in the square.

17. The record contains a petition in support of the application and two persons testified in support of the application at the public hearing. The support was generally based on the following:

- a. The addition would improve the appearance and upgrade the security of the rear of the subject site.
- b. The addition would improve the existing sanitary condition of the rear area in that the existing mulberry tree would be removed to correct problems with the storm drainage system.
- c. The addition would not occupy any significant open space.

**Findings of Fact:**

1. The subject property is not unique. It is similar in size and shape to the other C-2-A zoned lots in the square. The variation of the sizes of each individual lot in the Diamond Row area is minimal and all of the lots are similarly developed.

2. The proposed variances are extensive for the C-2-A District. The fact that such addition would be permitted as a matter-of-right in the W-2 District does not justify the granting of such deviances from the zoning requirements of the C-2-A District.

3. The strict application of the Zoning Regulations would not result in a practical difficulty upon the owner. The applicant can build a smaller addition on the subject lot as a matter-of-right. The desire to maximize the size of the addition to obtain

additional interior storage and display area is a result of the function of the use and not of any condition inherent in the property itself.

4. The proposed addition could create adverse impacts on the light and air of the immediately adjoining properties which are similar in size to the existing structure on the subject lot. The fact that the doors and windows at the rear of those structures are currently blocked off does not guarantee that such condition will be permanent.

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 area variances, the granting of which requires proof through substantial evidence of a practical difficulty upon the owner arising out of some extraordinary or exceptional situation or condition of the property. The Board must further find 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. The Board concludes that the applicant has not met the requisite burden of proof.

The Board concludes that there is no exceptional condition or practical difficulty inherent in the property. While the property was developed prior to 1958 and is small, such condition is not sufficient in itself to support the granting of variance relief. The lot is similar to adjoining lots and currently complies with the floor area ratio and rear yard requirements of the Zoning Regulations. The applicant's justification for the proposed addition, relating to providing additional space for gallery display and storage use, is one of convenience and is not grounds to sustain an area variance.

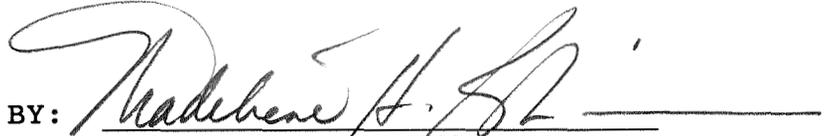
The Board further concludes that the granting of the requested variances would result in the creation of a nonconforming condition of the site which would result in the substantial impairment of the intent and purpose of the zone plan. The Board concludes that it has accorded the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly it is ORDERED that the application is hereby DENIED.

VOTE: 5-0 (Sheri M. Pruitt, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to deny; Tersh Boasberg to deny by proxy).

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

ATTESTED BY:



MADELIENE H. ROBINSON  
Acting Director

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

AUG 25 1992

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."

15380Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15380

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 25 1982 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jean-Michel Lareuse  
2820 Pennsylvania Avnue, N.W.  
Washington, D.C. 20007

Amy C. Lee  
2818 Pennsylvania Avenue, N.W.  
Washington, D.C. 20007

Susan Holm Lareuse  
2810 Crest Avenue  
Cheverly, Maryland 20875

Grace Bateman, Chairperson  
Advisory Neighborhood Commission 2E  
1041 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

A handwritten signature in cursive script, reading "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON  
Acting Director

DATE: AUG 25 1982

15380Att/bhs