

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15501 of P. Daniel and Diana S. Orlich, on behalf the Embassy of Belize, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in a D/R-1-B District at premises 2535 Massachusetts Avenue, N.W., (Square 2505, Lot 18).

HEARING DATE: June 26, 1991
DECISION DATE: June 26, 1991 (Bench Decision)

INTRODUCTION:

The application was filed by P. Daniel and Diana S. Orlich, on behalf of the Embassy of Belize to occupy the premises at 2535 Massachusetts Avenue, N.W., as a chancery. The application was considered by the Board in accordance with the requirements of Section 1000 of the Zoning Regulations. Section 1000 was adopted by the Zoning Commission to implement the Mixed Use Diplomatic District and Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982). The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The applicant owns the property located at 2220 Massachusetts Avenue, N.W. The applicant has contracted to sell the property to the Embassy of Belize conditioned upon Board approval of the subject application. The site is improved with a structure that contains three stories and a lower level. Comprised of approximately 4,300 square feet of gross floor area, the structure was formerly used as a single-family residence. It is presently vacant. The property is located in the R-1-B Diplomatic Overlay District. The Embassy of Belize proposes to occupy the first and second floors of the structure for chancery use and retain the third floor for residential use for diplomatic visitors. The Embassy of Belize intends to retain the residential appearance of the property. No additions or alterations to the building are anticipated.

The Chancery of Belize is presently located in leased space at the Intelsat Building at 3400 International Drive, N.W. The chancery staff includes a total of seven individuals including the Ambassador, two additional diplomats, an attache, executive secretary, assistant secretary and a driver. The regular functions of the chancery include matters of international trade, cultural affairs and interaction with the Organization of American States. The normal hours of operation for the chancery are 9:00 A.M. to 5:00 P.M., Monday through Friday.

The majority of the business conducted by the chancery occurs via telephone, telefax or at meetings outside of the chancery, usually at the State Department or Organization of American States. As a result there are very few visitors to the chancery. There is an average of one visitor per day. This number includes visitors on official business as well as supply and parcel deliveries.

The location of a chancery in the D/R-1-B District is a permitted use subject to disapproval of the Board of Zoning Adjustment after review based on the criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSIONS ACT CRITERIA:

In considering the subject application, the Board must apply the specific criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations as follows:

1. **Sub-section 1001.2** The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
2. **Sub-section 1001.3 and 1001.4** Historic preservation as determined by the Board in carrying out this section; and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
3. **Sub-section 1001.5** The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
4. **Sub-section 1001.6** The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
5. **Sub-section 1001.7** The municipal interest, as determined by the Mayor.
6. **Sub-section 1001.8** The federal interest, as determined by the Secretary of State.

EVALUATION:

With respect to the six criteria identified in the Regulations, the Board states the following:

1. **The International Obligation of the United States:** By letter dated April 3, 1991, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that approval of this application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure facilities by the Government of Belize for its diplomatic mission in Washington, D.C. The Secretary of State has also determined that there exist no special security requirements related to parking and that the site is capable of being adequately protected.

2. **Historic Preservation:** The structure is located in both the Massachusetts Avenue and Sheridan Kalorama Historic Districts. It is not, however, an historic landmark. Therefore, this application does not involve alteration to, new construction of, or demolition of an historic landmark structure. The Embassy of Belize proposes to add a flag pole, coat of arms and plaque to the exterior of the structure. The new flag pole measures ten feet in height and will be erected at a 30 degree angle above the entrance porch. The Belize Coat of Arms, which is two feet in diameter, is to be placed above the entrance. A new brass plaque, 16 inches by 7 inches, is to be placed on a brick pier which defines the garden wall. This plaque will match the existing address plaque. The Historic Preservation Review Board, by report dated May 22, 1991, determined that the proposed alterations are compatible with the structure and the historic districts, and should be approved. Based upon the above, the Board finds that these additions are appropriate and consistent with the character of other properties in the historic district.

3. **Parking and Transportation:** Section 1001.5 of the Zoning Regulations requires the Board to consider the adequacy of off-street or other parking, and the extent to which the area will be served by public transportation, subject to special security requirements as determined by the Secretary of State.

Section 2101.1 of the Zoning Regulations requires one parking space for each 800 square feet of gross floor area devoted to chancery use, or as determined by the Board of Zoning Adjustment. Of the total 4,300 square feet of gross floor area at the subject site, approximately 2,300 square feet will be devoted to chancery use. Thus, in accordance with Section 2101.1, three parking spaces would be required.

One parking space is provided in the garage which will be used for the Ambassador's car. The proposed chancery has an existing paved courtyard in the front of the structure which is large enough to accommodate six vehicles. Parking for two additional cars will be provided in this area. In addition, a reserved diplomatic parking space will be made available along Massachusetts Avenue in front of the proposed chancery for vehicles bearing diplomatic motor vehicle identification tags. Finally, there is a supply of short-term parking on the street in the immediate neighborhood, subject to local parking limitations, for use by visitors.

Massachusetts Avenue is a principal arterial street marked with four lanes during peak hour periods. There are seven Metrobus routes operating along Massachusetts Avenue and a bus stop is located near the site. The Dupont Circle and Friendship Heights Metrorail Stations are accessible from the site by bus.

The chancery estimates that when all chancery staff are present, a maximum of three or four vehicles belonging to the staff will be located at the site. The Ambassador is driven to and from work daily. The two other diplomats will drive to the chancery. Of the other three employees, one may drive, but the remainder will either be dropped off at work or arrive at work by way of public transportation.

By report dated May 2, 1991, Department of Public Works determined that the proposed use will have a negligible impact on the local transportation system.

4. Protection: The Office of Foreign Missions has determined that the subject site and area are capable of being adequately protected.

5. Municipal Interests: The Director of the Office of Planning, the delegate representative of the Mayor, by memorandum dated May 7, 1991, and by testimony at the hearing, recommended approval of the application. The Office of Planning reviewed the plans and application and stated its opinion that approval is not inconsistent with Sections 1001 and 1002 of the Zoning Regulations. The Office of Planning stated that the location of the chancery, as proposed, would not create objectionable impacts on the traffic and parking conditions in the general area because of the small number of visitors and the availability of adequate parking. Furthermore, neither the Sheridan-Kalorama or the Massachusetts Avenue Historic District will be adversely affected because there will be no alterations to the exterior of the structure.

In the opinion of the Office of Planning, the proposed land use would be compatible with the existing land uses in the area which consist primarily of chanceries. The Office of Planning therefore recommends approval of the application.

By report dated April 23, 1991, the District of Columbia Fire Department indicated that it evaluated the proposal's impact on emergency operations. Based on its review, the Fire Department has no objection to the subject proposal.

By report dated April 25, 1991, the Office of Business and Economic Development stated that because the proposed chancery is located in the Mixed Use Diplomatic District, it has no objection to approval of the application.

In the report submitted by the Department of Public Works, the Department expressed no opposition to the proposed use because of the minimal impact that it will have on the local transportation system.

Letters were filed and testimony was received in opposition to the application on the grounds that to allow this conversion will constitute a further erosion of the neighborhood's underlying residential district, the chancery use will alter the residential appearance of the structure, that neighborhood security will be compromised, that traffic and parking conditions in the neighborhood will worsen, that the parking requirements have not been met, and that the chancery may fail to maintain the property in a neat appearance.

In response to the concerns of some of the neighbors, the Ambassador provided written assurances to several neighborhood groups, and testified to the following: 1) steps will be taken to retain the existing residential character of the property by not installing any new fluorescent light fixtures; 2) the existing fence, landscaping, painting and courtyard will be retained and maintained on the site; 3) no intrusive telecommunication equipment will be installed; 4) the parking spaces will be limited to two spaces in the courtyard, except that additional short-term and temporary stopping should be permitted; and 5) no substantial interior or exterior alterations that differ from the application plan will be conducted.

The Sheridan-Kalorama Neighborhood Council submitted a written statement expressing concerns about the proposed chancery use. In its statement, the Council echoed those concerns addressed by individual neighbors. At the hearing, however, the Council indicated that it does not oppose the application based on the Embassy's response to the issues raised.

The Sheridan-Kalorama Historic Association testified that its primary concern is that the residential character of the structure will be maintained. The Association indicated that, in its view, the proposed flagpole, coat-of-arms and plaque do not compromise the residential character of the structure. Based on this factor and the assurances provided by the Embassy, the Association does

not oppose the application.

The Board is of the opinion that a chancery is an appropriate use for a structure in a Diplomatic zone. The Belize Embassy has assured the neighbors and the Board that the residential character and the neat and clean appearance of the property will be maintained. The State Department has determined that the property is capable of being adequately protected. The Board therefore believes that security will not be compromised as a result of the chancery. Because the Belize Chancery has a very small staff and very few visitors daily, the impact on traffic in the area will be minimal. The Board finds that there will be three parking spaces on site and that these parking spaces will help prevent further congestion in parking on the street. The Board is therefore of the opinion that location of the chancery at the subject site will not adversely affect the neighborhood or its residents.

6. The Federal Interest: The Office of Foreign Missions has determined that approval of the application would be consistent with the Federal Interest and would fulfill the international obligation of the United States to provide adequate and secure facilities for foreign missions in the Nation's Capital. The State Department indicated that the United States government owns land in Belize City for its diplomatic mission there. In addition, the government of Belize donated ten acres of land to the United States government to build a chancery in the new capital of Belmopan. The State Department has received full cooperation from the government of Belize in acquiring suitable facilities. The Board also finds that the proposal is consistent with the Foreign Missions and International Organization Element of the Comprehensive Plan.

ADVISORY NEIGHBORHOOD COMMISSION:

Advisory Neighborhood Commission (ANC) 1D, by report dated May 15, 1991, stated that it considered this application at its meeting on May 14, 1991 which was attended by 53 persons. ANC 1D voted 2 to 0 to oppose the application on the ground that the application proposes to convert yet another residential structure to chancery use thereby threatening the residential balance and character of the neighborhood. ANC 1D also stated that the chancery will contribute to the parking and traffic congestion in the area. ANC 1D was further concerned that the existing landscaping would not be maintained and the chancery use will exacerbate the neighborhood crime problems.

The Board disagrees with the ANC. The property is located in the Diplomatic overlay zone and, therefore, has been deemed appropriate for chancery use by the Zoning Commission, after recommendation by NCPC. Such use is subject to disapproval by this Board based upon the criteria enumerated in the Foreign Missions Act. The Board finds that a chancery use would be appropriate at

this location. The Board also finds that the other issues raised by ANC 1D have been adequately addressed by the application.

DECISION:

On the basis of the record before it and the criteria of Section 1000 of the Zoning Regulations, the Board determines that the standards of the Zoning Regulations have been met by this application. Accordingly, it is hereby **ORDERED** that this application is **APPROVED, SUBJECT** to the following **CONDITIONS**:

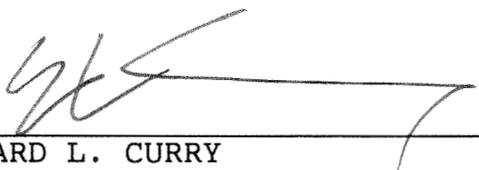
1. The residential character and appearance of the building shall be maintained by not installing new florescent fixtures (any such existing fixtures in the kitchen, bathrooms and basement shall remain);
2. The current appearance of the courtyard shall be retained, including the existing brick paving and fence around the courtyard;
3. The yard and exterior appereance shall be maintained. Such maintenance shall include landscaping, painting and the removal of trash.
4. No intrusive telecommunications equipment nor any antennas shall be installed without obtaining the necessary approvals.
5. The assignment of parking spaces on a permanent basis shall be limited to two spaces in the courtyard (not including the parking space in the garage). The applicant shall reserve the right to allow temporary stopping and short tem parking in the courtyard for special occasions, and for taxis, delivery and other vehicles.
6. There shall be no substantial interior or exterior alterations to the property that differ from the plans in the application. Approval shall be sought for any changes requiring such approval.

VOTE: 4-0 (John G. Parsons, Paula L. Jewell, Charles R. Norris, Reginald Griffith to approve; Carrie L. Thornhill abstaining).

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

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ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUL 19 1991

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.

15501Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15501

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 19 1991 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:

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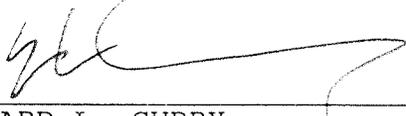
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EDWARD L. CURRY
Executive Director

DATE: JUL 19 1991

15501Att/bhs