

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13856, of Angelos Demetriou, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to construct a rear addition and convert an existing apartment house, a non-conforming structure, to SP office use and for a variance from the closed court width and area requirements (Sub-section 4305.1 and Paragraph 7107.22) in an SP-2 District at the premises 1317 M Street, N.W., (Square 245, Lot 806).

HEARING DATE: November 10, 1982
DECISION DATE: December 1, 1982

FINDINGS OF FACT:

1. The subject site is located in an SP-2 District on the north side of M Street, N.W., approximately one-half block east of Thomas Circle.
2. The site is rectangular in shape and consists of 3,050 square feet. The property has twenty-five feet of frontage on M Street and abuts a thirty-foot wide public alley in the rear.
3. The subject property is improved with a three story plus basement red brick row structure. The third floor does not extend as far back as the other floors.
4. The building is currently vacant and has been vacant since approximately November of 1981. The building has been vandalized and is in a partially deteriorated condition.
5. The last previous use of the building was as an apartment house of thirteen units, as authorized by certificate of occupancy No. B-25284, dated September 15, 1960.
6. To the east of the subject site are three three-story row structures of similar design to the subject building. Two of these buildings are currently vacant and one is occupied by an office use. To the west are a five-story apartment house and the International Inn Hotel. South of the property on Massachusetts Avenue are two ninety-foot office and apartment buildings. North of the

property is an alley and the rear of commercial buildings fronting on 13th Street. Zoning in this area is SP-2.

7. Because the rear yard is located considerably below the grade of the public alley in the rear of the property, no parking spaces currently are provided on the site.

8. The applicant proposes to renovate and retain the building for use by any permitted SP type office use. The applicant has no specific tenant at present.

9. Office use is compatible with the mixed use character of the surrounding neighborhood.

10. The existing building has a floor area ratio of less than the 3.5 FAR permitted for office use.

11. The applicant proposes to construct a three story addition at the rear of the existing building. The first floor of the addition would be devoted to parking. The upper floors would be used for office use. The total FAR devoted to non-residential use would still be less than 3.5.

12. The exterior of the building would be retained and maintained. It would continue to be similar to and in harmony with the remaining three structures in the group of four.

13. Two off-street parking spaces are required. The rear addition would contain two parking spaces on the first floor which meet the size requirements of the Zoning Regulations. It is possible to stack two additional spaces behind the two required spaces. The additional spaces would be slightly less than nineteen feet long, but could still accommodate most vehicles. Access to the parking spaces is from a thirty foot alley leading to and from Vermont Avenue and 13th Street. There is on-street parking available in the area for potential visitors, clients and guests.

14. There is an existing closed court used as a light wall on the east side of the building approximately half-way between the front and back of the lot. The third floor addition extends as far back as the first and second floors. It follows the line of the existing court, to continue to allow light to penetrate to the lower floors of the building.

15. The existing court has a width of 5.42 feet. The regulations require a minimum width of twelve feet. The existing court has an area of 83.08 feet. The regulations require a minimum area of 250 square feet. Since the addition follows the walls of the existing court, variances of 6.58 feet on the width and 166.92 square feet on the area are required.

16. The addition does not increase the degree of non-conformity of the court.

17. The Office of Planning, by memorandum dated November 1, 1982 and by testimony at the hearing, recommended that the application be approved. The OPD was of the opinion that the use, height, bulk and design of the subject premises as proposed would be in harmony with existing uses and structures on neighboring property. The OPD believed that the applicant satisfied the requirements for a special exception and variance. The OPD requested in its written report that the applicant demonstrate the adequacy of off-street parking in the immediate area. The representative of OPD stated at the hearing that the applicant had made such a demonstration. The OPD also noted that two additional parking spaces could be located in the garage to accommodate compact sized vehicles. The Board concurs with the findings of OPD.

18. The occupant of the immediately adjacent office building to the east, and the developer of the condominium building at the southeast corner of 13th and M Streets, N.W. submitted letters to the record in support of the application, on the grounds that the project would be beneficial to the area.

19. The Logan Circle Community Associate, by testimony at the hearing, supported the application, in that it would preserve the building and help to rejuvenate the block. The Association requested the Board to require the applicant to donate a preservation easement on the facade of the building.

20. As to the request of the Association concerning a facade easement, the Board finds that the building is not itself a landmark nor is it in a historic district. Any agreement between the applicant and some other entity to preserve the facade would be outside the jurisdiction of the Board. Further, in approving this application, the Board is only approving what is before it. Any future proposal to add to the building would be judged by the Board at that time in accordance with the regulations then in effect.

21. There was no report received in the record from Advisory Neighborhood Commission 2B.

22. The Chairman of ANC 2C, appearing as an individual, stated the general preference of the ANC for preservation of residential use. The Board finds that the applicant is not required to prove that the property cannot be used for residential purposes.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. In order to be granted the requested exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The uses and structure will be in harmony with the existing uses and structures on neighboring property. No adverse traffic conditions will result. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the existence of the closed court predating the present Regulations, and the applicant's desire to maintain adequate light to the lower floors of the building create such a condition. Strict application of the design would require the third floor only to set back along the court, creating an unusual and difficult building design. The Board concludes 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 as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Carrie Thornhill, Walter B. Lewis, William F. McIntosh and Charles R. Norris to GRANT; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: FEB 18 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "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 LICENSES, INVESTIGATIONS AND INSPECTIONS.

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