CAPITOL HILL RESTORATION SOCIETY
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July 14, 1998

OFFICE OF ZONING
DISTRICT OF COLUMBIA

Ms. Sheri M. Pruitt-Williams, Interim Director
Board of Zoning Adjustment
Suite 210
441 Fourth Street, NW
Washington, DC 20001

BZA # 16370
PREMISES: 434 New Jersey Ave., SE
SQ 694, LOT 811
HEARING DATE: July 22, 1998
ZONING: R-4

Dear Ms. Pruitt-Williams:

Our Zoning Committee on June 9, 1998 considered the above referenced application for a special exception to permit a home occupation employing three non-resident employees. The Committee has the following comments on the application:

1. As we read the regulations, Section 203.10 limits the number of non-resident employees permitted as a result of a special exception to two (Subsection 203.10(c)). This application for three employees would seem to require a variance, not a special exception.

2. Because Mr. Fields was not at the Committee meeting, we were unable to learn whether this house will be his principal residence as required by Sec. 203.2. We are concerned that, in answer to the "number and relationship of persons residing with you," Mr. Fields indicated that none would be (Application for Home Occupation Permit, Question 6). We are also concerned that it was indicated that the office would be on the third level of the house. In that location, the office does not be appear to be distinct from the living quarters, again raising a question whether the home occupation is clearly secondary to residential use of the house. (Subsection 203.4(a))

3. Applicant argues that the proposed use is relatively benign, with most of the activities conducted outside the office. We are concerned, however, that the proposed use will exacerbate the commercial pressure on the 400 block of New Jersey Avenue. The block already suffers from commercial intrusions, including at least one "party house." If future sellers set asking prices based on a potential for home occupation use beyond that permitted as a matter of right, the residential character of the neighborhood will be increasingly threatened.

4. Applicant's argument that home occupation use is consistent with the Capitol Interest District (CAP) is incorrect. Although

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the CAP was created, as applicant states, "to promote and protect the public health, safety and general welfare of the U.S. Capitol precinct," the regulation quoted, Section 1200.1, goes on to state that actions in furtherance of the CAP must be done "in a manner consistent with the ... Master Plan for Future Development of Capitol Grounds and Related Areas." We note that the Master Plan is specifically concerned with protection of the residential character of the 400 block of New Jersey Avenue:

> The area of New Jersey Avenue between D and E Streets, S.E. is recognized as a unique part of the Historic District, as it is an example of L'Enfant's original wide avenues bordered with row houses and a thick, arching canopy of trees. It is possible that the houses on the west side of New Jersey Avenue may be preserved even though they may be adapted to office use. The Master Plan for the United States Capitol, Architect of the Capitol, 1981, p. 36.

We contend that home occupations beyond those permitted as matters of right, as proposed in this application, threaten the residential character of the block, and thus contravene the Master Plan and the CAP.

5. We reject the argument that this house remained vacant for three years and, therefore, a home occupation beyond that permitted as a matter of right is the only way to save the house as a residentially viable structure. Our local newspaper, the Hill Rag, in the February 1998 issue, has an article headed, "1997 Was a Very Good Year." The article begins: "Last year--1997--turned out to be the best year for residential real estate sales that we have seen in nearly a decade." We suggest that problems with selling 434 New Jersey stem from overpricing, restricting prospective purchasers to those who are interested in nonresidential use of the building.

6. We are also concerned about the leasing of two parking spaces to reduce impact on the neighborhood. The spaces described to the Committee are on First Street, SE and the neighbors believe that they are now fully used. In addition, we question the legality of leasing parking spaces on a residential lot.

Sincerely,

Lyle R. Schauer
Chair, Zoning Committee