CAPITOL HILL RESTORATION SOCIETY
PO BOX 15264 • WASHINGTON, DC 20003-0264 • 202-543-0425

BZA No. 16608
417 East Capitol Street, SE
Square 817, Lot 13
Zone: R-4
Hearing Date: 10/10/00 AM

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
2000 OCT -2 P 3:59

October 2, 2000

Board of Zoning Adjustment,
Room 210
441 4th Street, NW
Washington, DC 20001

The Capitol Hill Restoration Society SUPPORTS the above referenced application.

The Capitol Hill Restoration Society is a civic association with a current membership of over 950. The Society's interest district is defined in its bylaws and includes the premises involved in this application.

The Zoning Committee of the Capitol Hill Restoration Society considered the application on September 28, 2000. A quorum was present. Steven Cymrot, one of the applicants, discussed this application with the Committee.

Relief Sought:

Applicants seek a use variance under Section 330 to allow a retail used bookstore on the first floor and basement.

The first floor and basement at 417 East Capitol Street apparently were constructed for, and always used by, commercial enterprises. By 1977 the premises were being used for an "art and antique display and retail sales." In that year, the Board of Zoning Adjustment granted a special exception to change the nonconforming use to "general office," although the Board's order describes the proposed use as "the office of a physician." (BZA No. 12356) However, no certificate of occupancy was ever obtained.

The failure to have a C of O for the medical office prevents applicant from seeking a special exception for a change of nonconforming use. The Committee questions why the medical office use could not be established by affidavit in order to pursue a special exception, which seems more appropriate.

Analysis:

An applicant for a variance must demonstrate (1) that the property is unique, (2) that application of the zoning regulations to that unique property would result in an

BZA
Case No. 16608
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16608
EXHIBIT NO.24

exceptional practical difficulty or undue hardship, and (3) that relief can be granted without impairing the zoning regulations and map.

(1) The property is unique.

The Committee believes that the Board should find that the property is unique.

The premises consist of a small building apparently always used for commercial purposes. The first floor is entered at grade, typical of commercial buildings but not of residences, in the Capitol Hill Historic District. It has the typical shop arrangement with high ceilings and a large front display window.

This building is part of a unique ensemble in the Historic District. The seven buildings numbered from 409 through 421 were constructed to accommodate first-floor commercial activities; all have entrances at grade, high ceilings, and large front display windows. Two of the seven buildings have three stories; all the rest, like the subject premises, are two-story structures. On the opposite side of East Capitol are a few similar buildings. If this small commercial enclave had been larger, covering two or three blocks with similar buildings on the opposite side of East Capitol, a commercial zone probably would have been created.

The Committee believes that 417 East Capitol inherits a unique aspect from the small ensemble of buildings to which it belongs.

(2) Hardship.

The Committee believes that the applicants demonstrate a hardship if zoning relief is not granted. It is true that Capitol Hill has many examples of successful conversion of one-time commercial buildings to matter-of-right residential use. But in every such instance with which we are aware, the former commercial building was isolated and surrounded by residences. The building at 417 East Capitol is not like that; instead, it is part of an ensemble of small commercial buildings. In the opinion of the Committee, conversion of the first floor of this building to residential use would not produce a desirable unit.

(3) No impairment of Zoning Regulations and Map will result.

The proposed use is of low intensity and is will serve a neighborhood need. Because of the exceptional nature of this small row of commercial buildings, and the unique set of circumstances that gave rise to it, approval of continued commercial use at 417 East Capitol will not adversely affect the zoning regulations and map.

We are pleased to submit these views for your consideration.

Lyle R. Schauer
Zoning Committee Chair