STATEMENT

OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR A SPECIAL EXCEPTION

PURSUANT TO SECTIONS 361 and 3104

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

1629 21st Street, N.W.

(SQUARE 93, LOT 122)

BZA Case No.

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District of Columbia
CASE NO.16920
EXHIBIT NO.4

INDEX

INTRODUCTION

DESCRIPTION OF THE APPLICANT

THE SUBJECT PROPERTY

- **A. Location and Description of the Property**
- **B. Area Surrounding the Property**
- **C. Zoning History and Use History**

REASONS IN SUPPORT OF THE APPLICATION FOR SPECIAL EXCEPTION

- **A. Compliance with D.C. Zoning Regulations**
- **B. No Adverse Effects**

COMPLIANCE WITH THE COMPREHENSIVE PLAN

- **A. Appropriate Residential Use**
- **B. Historic Preservation**

CONCLUSION

EXHIBITS

- **Plans**
- **Pictures of the site**

INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Andrea Marinkovich and William Bass, (hereinafter "applicants") for a special exception, pursuant to Section 361 of the Zoning Regulations of the District of Columbia, to use the first floor and part of the second floor of the building as an art gallery.

DESCRIPTION OF THE APPLICANT

Ms. Marinkovich will lease three floors of the building, using the third floor and a portion of the second floor for her residence and the remainder for the art gallery. She and her business partner, Royce Burton, currently operate the Burton -Marinkovich Fine Art Gallery at 1506 21st Street. Mr. William Bass is managing partner of the partnership which owns the building.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is located at 1629 21st Street, N.W., Square 93, Lot 122. It is a three-unit apartment building with three separate addresses. The building is in an DC/D/R-5-B Zone, which permits row dwellings and apartments. The property faces both on 21st Street and R Street. A separate basement gallery has its entrance on R Street. It has been in operation since 1987. No structural changes of any kind are contemplated for the interior or exterior of the building. The applicant contemplates using a one-square foot permanent sign and, periodically, a banner of 2 feet by 6 feet, attached to the building, announcing special showings .

B. Area Surrounding the Property

The Property is on the southeast corner of R and 21st Street one block north of the Phillips Collection. While the predominant uses in the area are residential, there are numerous galleries as well as institutional uses, including embassies.

C. Zoning History and Use History

The area is zoned DC/D/R-5-B. The property is in the Dupont Circle Historic District and is subject to the Dupont Circle and Diplomatic Overlay Zones.

D. Operations

It is contemplated that opening events will not exceed 12 per year and will have a maximum of 100 guests.

REASONS IN SUPPORT OF THE APPLICATION FOR SPECIAL EXCEPTION

A. Compliance with D.C. Zoning Regulations

The Special exception is needed to permit the installation of an art gallery on the first and a portion of the second floor. The applicant satisfies the requirements for grant of the Special Exception. The Board is authorized to grant special exceptions where, "in the judgment of the Board, those special exceptions will be 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 ..." 11 DCMR §3104.1

B. No Adverse Effects

The Burton-Marinkovich Fine Art Gallery is not likely to generate substantial foot or vehicular traffic. This has been the case at their current location near the corner of P and 21st Streets and comports with the nature of their business. The Gallery rarely has "openings" of new shows and does not depend on foot traffic for its sales. Rather, business is generated though notifying individual customers of the availability of new offerings. Presentations are usually made by appointment and often off-site. This has been highly successful and is likely to continue.

Numerous galleries are housed in the residential buildings within a couple of blocks of this property and have not detracted from the urban residential character of the neighborhood. Moreover, the applicants will not be introducing a new use in the building, since a gallery already is in operation in a portion of the basement. This could be seen as a mere extension of an existing use, except for the fact that the ownership and operations of the two galleries will be separate.

Parking is unlikely to be a problem for the neighborhood. As noted, this business is not a high volume business. Moreover, the Dupont Circle Metro Station is within two blocks, which will encourage visitors to use Metro rather than bring cars into the area. In addition, there are two outdoor parking spaces in addition to a one-car garage, a rarity for residential buildings in the area.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

The Zoning Commission recognized the benefits of art galleries in high-density residential neighborhoods in the District such as Dupont Circle. Moreover, in the Comprehensive Plan District agencies are exhorted to take the following actions in support of the arts, cultural and educational land use objectives:

> 1336.1(d) Encourage existing and new arts and cultural facilities and activities in the Dupont Circle, Logan Circle, and the 14th Street Uptown Arts District areas,

linking with arts and cultural institutions in Ward 1. (46 DCR 1763, Feb. 19, 1999)

B. Historic Preservation

Section 804.1 of the Comprehensive Plan calls on the District and Federal Governments to

> (f) Provide sufficient administrative flexibility in building codes and other related codes and regulations to permit maximum preservation and protection of historic resources while still ensuring the health and safety of the public. (46 DCR 1562, Feb. 19, 1999)

Among the objectives of Section 1319.1 of the Comprehensive Plan are the following:

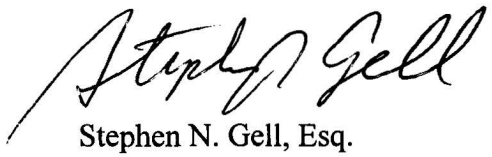
> (b) to preserve and reuse historic landmarks and buildings in historic areas in Ward 2, and
>
> (d) to preserve and protect existing buildings and small scale and open spaces in historic areas in Ward 2. (46 DCR 1752, Feb. 19, 1999)

The subject property is a contributing building in the Georgetown Historic District. Latitude in the use of the property for an art gallery, as permitted by the Zoning Regulations, can serve to enhance its preservation.

CONCLUSION

The Applicants should be granted a Special Exception to allow the use of a portion of the first floor for an art gallery. Such a use is unlikely to have any negative effects on the neighborhood and will enhance the likelihood of preservation. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,



Stephen N. Gell, Esq.