BZA 16936

MEMORANDUM

RE: Application to the Board of Zoning Adjustment regarding 2829 Connecticut Avenue, N.W., Suite 103

"Explanation why any other use permitted as of right is not suitable or possible."

Date: 25 September 2002

D.C. OFFICE OF PLANNING
2002 SEP 25 PM 3:17

Today, I received a call from Mr. Stephen Mordfin of the D.C. Office of Planning, asking for an additional explanation regarding my application. In particular, Mr. Mordfin requested an explanation why my proposed office use is most suitable, and why any other use is not as suitable.

With this memorandum, I am providing you with an explanation of why the general office use is the most suitable one. Here is a summary of the reasons:

(A) Well, it has been an office since 1965.

(B) The residents in the building strongly prefer uses that do not generate much traffic.

(C) My proposed use is consistent with the purpose of the zoning regulations and does not create any adverse effect.

(D) **The purpose of the zoning regulations for R5 is to "permit flexibility of design in a single district ...., all types of urban development ... The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses ...." See Zoning Regulations 350.1 (General Provisions for R-5).** Thus, a general office use is perfectly in line with the intent of the R-5 zoning districts.

BZA
Case No. 16936
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16936
EXHIBIT NO.27

(E) There are other semi-public uses in the same building (two more units are designated for commercial use), as well as on the adjacent blocks, including a university club, several doctors offices, restaurants, an art gallery, insurance office, several other regular offices, etc. A walk up and down Connecticut Avenue would confirm that for you.

(F) If I lived in the building, I could use the unit as a home-based office for exactly the proposed purpose (see Zoning Regulations 203). However, with my 2 (soon to be 3) children and wife, there is simply not enough space for us. There are only studio and 1-bedroom residential units in this building.

(G) The physical characteristics render the unit unsuitable for uses that entail a lot of traffic, such as medical office use.

(1) The physical characteristics of the property render it unsuitable for any other uses permitted as a matter of right.

The unit is not suitable for the other uses permitted as a matter of right (see Sections 200 & 300 of the Zoning Regulations) because it does not have a direct access to the main streets.

The permitted uses as a matter of right include Child Center, Private School, private stables, community centers, colleges and universities, and also apartment use.

First of all, I should probably note that his office has been used as an office since 1965. From the very beginning the unit had been occupied by the same psychiatrists, and it was arranged and equipped like any other office. There was never any medical equipment. The contents were desks, chairs, and book shelves. That has remained the same approximately since 1965. In fact, most of the furniture and interior decoration probably had remained unchanged since 1965.

Second, the condominium building where this unit is located is comparatively small, and does not have the space to accommodate large extraneous facilities (such as a child care center, or a Youth Residential Car Home).

Third, and probably most importantly, the residents of the building would like to reduce pedestrian traffic to ensure safety and tranquility in the building. Thus, a regular office use (such as mine) is strongly preferred to any kind of use that generates traffic (such as a beauty parlor or a school facility).

Use as apartment is not suitable

The use as an apartment unit is not suitable because:

(1) as you can see from the architectural drawings, the unit is adjacent or across from utitity rooms. The entrance to the utility room for cleaning supplies is located right across from the entrance to unit 103. Thus, there are frequent disturbances and noise.

(2) It is the first unit near the tradesmen entrance and loading zone (where all movers, deliveries, etc. enter the building). Thus, there is significant traffic and noise at all times.

(3) It is the unit closest to the laundry room. Thus, there is significant traffic at all times, day and night.

(4) The unit was designed to be an office. Thus, it does not have regular bathrooms, only powder rooms (or half-baths). I actually had a plumbing contractor investigate the possibility of installing bathrooms, and it is not feasible because:

- several walls inside the units would have to be moved to increase the size of the powder rooms to a suitable size,

- large holes would have to be cut into the concrete floors to install a bathtub or shower drain,

- additional plumbing pipes would have to be installed to supply hot and cold water (the current ones only have sufficient capacity for a sink, not for a shower or bathub),

- water supply and drainage lines would have to be installed, and be connected to the building's main water and drainage connections. For this, several solid cinderblock walls would have to be opened up to install such water and drainage lines.

Other uses permitted as of right are not suitable

The unit is located on the first floor of a condominium building. There are three offices on this floor. Thus, if someone wishes to visit the unit, he/she must first go to the main entrance of the building (which is actually on the second floor), enter the building, walk up several stairs, and then either take the elevator or stairway to go downstairs.

Thus, it is really not suitable for a regular medical clinic (and has never been used as such), because people who are really sick, frail, or have difficulty walking could hardly reach the office (unless they rang the door bell, informed the clinic, and then went around the building to the back entrance, which is closer to the entrance of the office and has only one step-up).

Furthermore, the building has mostly residential units. Thus, the residents certainly appreciate a more general office use, which generates far less traffic in terms of unknown people arriving at the parking lot, entering and leaving the building. In addition, in terms of security, it will dramatically increase the security of the building by having fewer extraneous people enter the building.

Granting the application will not be of substantial detriment to

the public good - i.e. traffic, noise, etc.

All residents in the building are probably very pleased with the reduced pedestrian and car traffic, since the psychiatrists who occupied the unit previously saw people every day. At times, up to 4 psychiatrists were seeing visitors in the unit, and the number of extraneous people entering and leaving the building must have been considerable.

At this point, the number of visitors is very limited, and thus the "normal office" use certainly promotes the "public good."

Finally, several residents have received free legal advice from me, and have benefitted from legal and other information I have provided to them. I would estimate that about every second day a resident (or a friend of a resident) enters to ask a legal question or seek some advice.

Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

The purpose of the zoning regulations for R5 is to "permit flexibility of design in a single district ...., all types of urban development ... The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses ...." See Zoning Regulations 350.1 (General Provisions for R-5). Thus, a general office use is perfectly in line with the intent of the R-5 zoning districts.

Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations, since the intent is to permit small offices that serve the community and enable citizens to have their offices close to their residences (in my case, I commute in just a few minutes from my home to my office). It also helps to

decentralize the center of the City, thus reducing commuter traffic, congestion, and increasing security for the city (which in the case of Washington DC is an important consideration, as the 11th of September 2001 showed).

If I lived in the building, I could use the unit as a home-based office for the exactly the proposed purpose (see Zoning Regulations 203). However, with my 2 (soon to be 3) children and wife, there is simply not enough space for us. There are only studio and 1-bedroom residential units in this building.

I was still single, I could comfortably live and work in the building, and thus use unit 103 for the proposed use.

Thank you.