

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14576 of Hiroko Oikawa, pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations, for a special exception under Paragraph 7106.11 (2003.1, DCMR 11) to change a nonconforming use from retail sales of fabric and household accessories, first floor, to an academic office for Professor of Ann Smith Chair of International Journalism (non-profit), first floor or in the alternative, under Paragraph 8207.11 (3107.2, DCMR 11) for a variance from the use provisions (Sub-section 3103.3 (330, DCMR 11) in an R-3 District at premises 1300 - 35th Street, N. W., (Square 1227, Lot 813).

HEARING DATE: March 25, 1987

DECISION DATE: March 25, 1987 (Bench Decision)

1. Harry J. Smith, Jr. (the "Applicant") is the contract purchaser of the site. Hiroko Oikawa was the owner of the site on February 4, 1987, the date on which the application was filed.

2. The site, known as premises 1300 35th Street, N.W., is located at the northwest corner of the intersection of 35th and N Streets. The site is located in the in the R-3 District and in the Georgetown Historic District.

3. The site is rectangular in shape with a frontage of 23.43 feet along 35th street and a frontage of 64.28 feet along N Street. The site is improved with a three story masonry and wood frame structure occupied by residential uses on the second and third floors. The first floor is vacant.

4. The R-3 District extends in all directions from the site. The area is characterized by row dwellings with some interspersed non-conforming retail and commercial service uses. Georgetown University begins on the west side of 37th Street, although some smaller university buildings are interspersed as far east as 35th Street. Across N Street is a four story Georgetown University building.

5. Pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations the Applicant is seeking a special exception under Paragraph 7106.11 (2003.1, DCMR 11) to change a non-conforming use from retail sales of fabric and

household accessories, first floor, to an academic office for Professor of the Ann Smith Chair of International Journalism (non-profit), first floor. The most recent certificate of occupancy, No. B135143 dated June 6, 1983, grants permission for the first floor of the premises to be used for the retail sales of fabric and household accessories.

6. The Ann Smith Chair of International Journalism will be a visiting professor who will have a staff of up to two persons. The staff are likely to be Georgetown University employees or students assisting the Chair in research and writing. Proposed office hours are from 8:30 A.M. to 6:00 P.M., Monday through Friday. It is anticipated that the number of visitors will be minimal and are likely to come from Georgetown University community. Over 90 percent of the visitors to the office are expected to arrive by foot. The location is a block from where many of the classes of the University are held and is within a very short walking distance of the University's offices of the Foreign Service School.

7. The existing residential uses on the second and third floors will remain. The only exterior change to the structure will be the placement of the 35th Street bay window with two double hung windows. A double hung window is more consistent with the character of existing structures in Georgetown area. This exterior alteration will have to be approved by the Historic Preservation Review Board. Two plaques, 12 by 12 inches, will be placed on the exterior of the structure indicating the name of the establishment.

8. By memorandum dated March 18, 1987 the Office of Planning (OP) recommended the conditional approval of the application. The OP recommended approval provided that the two residential units on the upper floors remain and that the office be used exclusively for the Ann Smith Chair of International Journalism.

9. By letter dated March 10, 1987 Advisory Neighborhood Commission (ANC) 2E reported that the ANC voted not to oppose the application subject to certain enumerated conditions.

10. All persons who sought to submit evidence either in favor of or in opposition to the application were given an opportunity to do so.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the Evidence of record the Board concludes that the Applicants are seeking a special exception, the granting of which requires substantial

evidence that the applicants have complied with the requirements of Paragraph 7106.11 and Sub-section 8207.2 of the Zoning Regulations.

The Board concludes that the Applicant has met its burden of proof. The Board further concludes that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that it has accorded "great weight" to the ANC to which it is entitled. Accordingly it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. The office shall be used only as offices of the Ann Smith Chair of International Journalism.
- b. The residential units on the upper floors of the structure shall be maintained.
- c. There shall be no more than three persons, excluding the Chair, regularly employed at the facility at any given time.
- d. No classes or seminars shall be held in the facility.
- e. There shall be no neon, flourescent or gas tube lighting on the building facade.
- f. No signs shall be permitted except a brass plaque not to exceed one square foot at the main entrance.
- g. Residential type curtains and shades shall be installed on all exterior windows.
- h. Retail sales, manufacturing or assembling, or storage of flammable liquids on premises shall be prohibited.

VOTE: 5-0 (Maybelle Bennett, Paula L. Jewell, Charles R. Norris, William McIntosh, and Carrie Thornhill to grant.)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

JUN 2 1987

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 (3103.1, DCMR 11) OF THE ZONING REGULATIONS, "NO DECISION OR ORDE 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."

THIS ORDER OS 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 CONSUMER AND REGULATORY AFFAIRS.

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