

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - August 13, 1969

Appeal No. 10143 Norman Bernstein, et al, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of August 19, 1969.

EFFECTIVE DATE OF ORDER - Dec. 5, 1969

ORDERED:

That the appeal for permission to erect an SP office building with roof structures in accordance with Section 3308; approval to occupy building with office for chancery, non-profit organizations (including AFGE on 4 floors), labor union and professional persons; and for variance of setback requirements of SP District at southeast corner of Massachusetts Avenue and 11th Street, NW., lots 12,16,806-808, Square 342, be partially granted conditionally.

FINDINGS OF FACT:

1. The subject property is located in an SP District.
2. The total area of appellants' lots is 11,535.04 square feet.
3. Appellant proposes to erect an eight (8) story office building with a floor area of 50,052.69 square feet with an FAR of 5.5 with penthouse to include elevator machinery, mechanical equipment, and cooling tower.
4. The area of the proposed roof structure is 2,638.88 square feet with an FAR of .37.
5. The material of the street facade of the proposed building is to be stone or masonry; a white color is contemplated.
6. The material and color of the roof structure is to match the principal structure.

7. Appellant proposes to provide approximately 53 parking spaces.

8. The shape of the lot is irregular and has five sides consisting of an L Street frontage of 18.58, a Massachusetts Avenue frontage of approximately 62 feet, an 11th Street frontage of 125.83 feet, a southern alley line of 86.25 feet and a southeastern alley line of 43 feet.

9. Appellant alleges a hardship because of the size of the site, the shape of the site and the fact that there is a high water table on the property. The combination of these factors have had the practical effect of prohibiting the service core of the building from being located in the center of the site which would enable the normal roof structure setback requirements to be met.

10. The American Federation of Government Employees, a non-profit organization, proposes to establish its national headquarters within the subject building. A letter from the Internal Revenue Service granting tax exemption under the non-profit provisions of the Internal Revenue Code is contained in BZA File No. 10143.

11. The applicant also requests that this Board permit other non-profit organizations to occupy space in the building by way of approval by the Zoning Administrator.

12. Appellant avers that the proposed building is in harmony with existing uses on neighboring property and will not create dangerous or other objectionable traffic conditions by virtue of the entrance from 11th Street.

13. The Department of Highways and Traffic offers no objection to the granting of this appeal. No objection to the granting of this appeal was registered at the public hearing.

14. This appeal was heard under plan by David Baker, architect, AIA, drawings numbered A-5, A-7, A-8, A-9, A-10, A-16 and A-17, approved as noted by Arthur P. Davis, architect-member of the Board, September 8, 1969.

OPINION:

We are of the opinion that the appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

We conclude that the roof structures of this proposed office building will harmonize with the street frontage of the building in architectural character, material and color.

This Order is subject to the following conditions:

[a] Permission is granted for the American Federation of Government Employees to occupy a portion of this building. The floor area and location may be changed without further Order of this Board.

[b] The Board retains jurisdiction over the use of space in the subject premises by non-profit organizations.

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

ATTESTED:

By: 
CHARLES E. MORGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.