

Before the Board of Zoning Adjustment, D. C.

Application No. 11661, of District of Columbia Redevelopment Land Agency, pursuant to Sections 8207.11, 5306 and 7203 (8207.2) of the Zoning Regulations for variances from the rear yard and floor area ratio requirements of the C-2-A District and for special exceptions reducing the required parking spaces by 25%, a variance for an additional 5% reduction in parking spaces and approval of roof structures, to permit the construction of a community center building on Lots 15-23 and part of 24 in Square 623 located in the Unit Block of H Street, N. W.

ORDERED:

That the above application be GRANTED.

VOTE:

5-0

HEARING DATE: July 17, 1974

EXECUTIVE SESSION: July 23, 1974

FINDINGS OF FACT:

1. The subject property is owned by the District of Columbia Redevelopment Land Agency and is within the Northwest No. 1 Urban Renewal Area. It is situated in a C-2-A Zoning District and is subject to the Urban Renewal Development Plan. The property is unimproved and may be improved by a Community Center Facility to serve the neighborhood of the Northwest No. 1 Urban Renewal Area.

2. The subject property containing approximately 11,911.20 square feet has 170 feet frontage on H Street, N. W. and a depth of approximately 70 feet. The site has been designated "Community Use" by the Redevelopment Land Agency and may be used for the proposed Community Center Facility. This designated use was established by the Redevelopment Land Agency (RLA), the National Capital Planning Commission (NCPC) and the D. C. City Council.

3. The site is owned by RLA and under contract with RLA and Gonzaga College High School is bound to purchase the subject site and other portions of the same square for development. In a separate agreement Gonzaga College High School has agreed to grant to Sursum Corda, Inc. (Developer) the subject site and Sursum Corda will build on it a Center with day care facilities, craft studios, meeting rooms, swimming pool, etc. for neighborhood and community use.

4. The community center site is immediately adjacent to a public parking garage on the East. On the West of the subject site is a site for a new District of Columbia Public School and the area of that site immediately adjacent to the subject site will be devoted to open space recreational use. Immediately to the North of the subject site and abutting its rear lot line will be certain tennis courts and volley ball courts as a part of the Gonzaga College High School development plan for the remainder of the square.

5. The applicant is seeking a variance from the rear yard requirements of the C-2-A District which requires a 15 foot rear yard. Further applicant is requesting a variance from the F.A.R. requirements of the C-2-A District and permission to build approximately 3,113.51 square feet of floor area in excess of that permitted by the C-2-A District. Under the requirements of the C-2-A District, applicant would be required to provide ten off-street parking spaces. Under the development plan, applicant is providing seven spaces and is requesting a special exception and a variance to reduce the number of required parking spaces by 30%. In this application, applicant seeks also approval of its roof structures. The roof structure is permitted an F.A.R. of 0.12 and applicant is providing an F.A.R. of less than that permitted (1,430 sq. ft. vs. 1,336.27 sq ft.).

6. No person or interested party appeared in opposition to this application.

7. The subject lot is of an unusual configuration in that its street frontage dimension is much longer than the depth of the lot. Further, the configuration and area of this lot was preordained by RLA, NCPC and the D, C. City Council and designated specifically for the Community Center use. Additionally, it is in the public interest and more particularly in the interest of the community Northwest No. 1 Urban Renewal Area that specific uses be incorporated in the Community Center Facility and that those uses be realistically related to the objectives to be fulfilled as established by a number of community organizations, the District of Columbia Government, RLA and other interested parties in the community. (See the statement of Mr. Eugene L. Stewart, Exhibit 3 to the application and presentation.)

8. The uses proposed to be located within the Community Center structure are outlined by the architect and made a part of this record as exhibit 4.

9. Without the granting of the variances and the special exception requested in this application, the Developer, Sursum Corda, Inc. cannot carry out its charge to provide this Community Center Facility for Northwest No. 1 Urban Renewal Area.

10. Applicant bases his request for the variances on the fact that the designated lot configuration and area produce practical difficulties in the development of the community center building; that these deviations from the regulations are nominal in consideration of the type structure proposed and the objectives to be achieved by this structure; and said variances constitute area variances as distinguished from use variances. (See Palmer v. Board of Zoning Adjustment, 287 A. 2d 535 (1972)). In connection with the variance requested for the reduction in parking, it is a fact that public parking is located immediately adjacent to the subject site; that the building will serve a community purpose and accordingly, most,

if not all of the participants in the use of the building, will walk to the site and further, that the site is in close proximity to the intersection of North Capitol and H Streets which is a main thoroughfare providing excellent public transportation to the site.

11. The application for the variances and special exceptions requested here are overwhelmingly supported by the citizens in the area. (See the statements of Mr. Henry Alston, Mrs Jeannette Fowler and Mr. Edward Nesbitt.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the application herein for a variance from the rear yard F.A.R. and in part parking requirements of the C-2-A District constitute area variances and present the applicant with a practical difficulty. Palmer vs. Board of Zoning Adjustment, supra. The Board further concludes that the failure to grant the relief requested by way of variance would result in a practical difficulty to the applicant in that the proposed community center development that would otherwise be permitted under the C-2-A regulations would not be possible to achieve within the guidelines established by all District of Columbia Government Administrative Agencies including NCPC and the D. C. City Council.

The lot's unusual shape with an inordinate amount of street frontage as against depth of lot, its location in an Urban Renewal Area, the designation of the site by established public bodies in the stated objectives and function of the Community Center Facility which must be located on this site, all support the request for the area variance and articulate the practical difficulties which will be visited upon the owner and developer unless the requested variances are granted.

Based upon the Findings of Fact made herein, the Board is of the opinion that the roof structure will harmonize in architectural character material and color with the Main building and is consistent with the Zoning Regulations.

The Board is also of the opinion that the special exception for the reduction of parking should be granted and that the practical difficulty encountered by the applicant and developer supports the granting of the additional 5% reduction in parking under 8207.2 of the regulations.

The Board is also of the conclusion that the relief can be granted without detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER **AUG 13 1974**

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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.