

Before the Board of Zoning Adjustment, D. C.

Application No. 11703, of the Government of New Zealand, pursuant to Article 75, Section 7501.4 of the Zoning Regulations, for further processing of plans for the erection of a chancery enclave at No. 19 Observatory Circle, N. W., Lots 52, 53, 57, 815 & 826-829, Square 2147.

HEARING DATE: September 18, 1974

EXECUTIVE SESSION: September 24, 1974

FINDINGS OF FACT:

1. The subject property is located in the R-5-A District and is presently vacant and wooded.

2. The Government of New Zealand purchased the property involved in this application some years ago. It has maintained its chancery at 19 Observatory Circle, N. W. since December 31, 1942 and the residence of the Ambassador at 27 Observatory Circle since October 3, 1941. Both the existing chancery and the Ambassador's residence adjoin the subject site. It has been part of long-range planning by the Government of New Zealand to locate its new chancery upon the land involved in this application.

3. There will be approximately eighty (80) persons to house the chancery. At present, they are located at three (3) locations and it is intended that they all be consolidated at one location.

4. The proposed use will be that of a chancery as that term is defined in the Act of October 13, 1964 and as provided in the Zoning Regulations.

5. The chancery observes normal office hours of 9:15 a.m. to 5:30 p.m., Monday thru Friday. The chancery is normally closed Saturday, Sunday and holidays.

6. For a building of this size the Zoning Regulations specify 38 parking spaces. The plans provide for 59 parking spaces--within 5% of the 62 parking spaces specified in the Zoning Commission's final Order.

7. In conformity with the Zoning Commission's Order, no vehicular access to the New Zealand Chancery will be provided from Whitehaven Street. All access will be from Observatory Circle.

8. The chancery has been designed to be compatible with the existing buildings adjacent to the site. The height does not exceed three (3) stories and most of the building is only 2½ stories above the existing topography. The whole of the exterior of the chancery will be faced with brick to relate to the color and texture of the adjoining brick buildings. The building is not Georgian in style--the window proportions of the main floor and the relationship of solid to void are similar to the neighboring "Georgian" houses. The curved brick arches of the windows reflect treatment similar to that of the Lutyens British Embassy.

9. The New Zealand Ambassador's residence is the nearest building to the proposed chancery. The new chancery will fully respect the existing character of the neighborhood.

10. We find compliance under Section 7501.41 of the Zoning Regulations as follows:

- a. Drawings 2 thru 5 show the floor plans for the building. Drawings 7 and 8 show the architectural elevation.
- b. Drawing 6 shows the roof plan. Drawings 7 and 8 show the architectural elevation of the roof structure.
- c. Drawing (A) shows the final grade and drainage plan for the development.

Main entrance and driveway to upper level will drain to right-of-way on Observatory Circle.

Discharge at end of improvement to be within public right-of-way, as coordinated with Highway Department.

Roof drainage to be picked up and piped to existing low point in site.

There will be a stone curb for intent of property on East and for extend of improvement on West.

Existing sidewalk will be extended as far as new curb as shown.

Main portion of site remains undisturbed.

- d. Drawing (B) shows the planning and landscape plan for the site.

The site plan provides for the retention of as many trees as possible around the building and the adjoining ground levels will not be altered.

The lawn to the southeast of the building will be screened from the neighboring house with further planting of magnolia grandiflora. The boundary along Whitehaven Street beneath the "Dunbarton Oak" will be planted with a dense bank of holly.

- e. Drawing (A) shows the finished site plan with lot areas. Dimension showing all buildings and noting precisely their location.

11. A detailed inspection of the subject site and surrounding area show to the north the site abuts the U. S. Naval Observatory, to the south is the Dunbarton Oaks Park; to the east along Observatory Lane is the residence of the Ambassador of New Zealand and the existing chancery. To the east along Whitehaven Street, well removed and well screened from the new chancery building are several residences. Other uses located in the square include the chancery for the British, Brazilians and Bolivians. On the south side of Whitehaven Street is the new site for the Italian Chancery and an institutional use.

Whitehaven Street presently deadends to the rear of the subject site and it is not proposed to extend Whitehaven Street through.

12. The proposed chancery building will be completely in harmony with character of the surrounding area. The Structure

is 37 feet and 6 inches in height, occupies only 19.82% of the site, is situated in a park-like setting, designed as to scale and material to blend and harmonize with the surrounding area, and in no sense is overpowering or dominating of adjacent land uses.

13. No adjoining or neighboring property will, in any way, be adversely affected by the granting of the relief requested, and no neighboring property owners appeared at the public hearing.

14. The Board received the staff report from the Office of Planning and Management that found that applicant's plans are in accord with the elements and guidelines set forth in the Zoning Commission's Order in Case No. 67-51 dated January 15, 1968, except they state no swimming pool was located on the approved plan. The Board has complete jurisdiction under the Zoning Regulations for approving the landscape plan (§=7501.41d) and "details of all other structures not classed as buildings" (§ 7501.41e) and therefore has jurisdiction to a swimming pool.

15. The proposed location of the swimming pool adjoins the swimming pool located on the two neighboring properties and, therefore, will not interfere with the use of neighboring properties.

16. On January 15, 1968, the Zoning Commission entered Order No. 67-51 approving the Article 75 application for a chancery enclave for the Governments of Bolivia, Brazil, Britain and New Zealand. This Order prelated the current Article 75 Regulation which was adopted July 1, 1969. Under the Regulations in effect prior to July 1, 1969, no zoning change to the R-5-C or R-5-D Zone was required. The Board, therefore, has jurisdiction to further process this application under Article 75.

17. On November 4, 1968, this Board in Appeal No. 9768, involving the application of the Government of Brazil, approved the first construction under Zoning Commission Order No. 67-51.

The Board in Order No. 9768 provided under conditions the following:

1. This Order shall not become effective until covenants are recorded by Brazil, Britain, New Zealand and Bolivia covering development of the entire project as approved by the Zoning Commission January 15, 1968 (Z.C. 67-51).
2. All development approved by the Zoning Commission shall be completed by January 1, 1979, unless such time is extended by the Zoning Commission upon receipt of the proper application on behalf of the effected Government in accordance with subsection 7501.8.
3. The Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by paragraph 7501.79 of the Zoning Regulations.

The covenants (required under Article 75) directed by this Board to be prepared have been recorded in the Office of the Recorder of Deeds among the land records of the District of Columbia. The covenant of the Government of New Zealand was recorded April 7, 1969 in Liber 12981, at Folio 73.

18. Applicant complies with (§ 7501.46), relating to roof structures as follows:

- a. F.A.R. is .6669
- b. Roof area is 17,250 square feet. Area of roof structure is incorporated in roof area.
- c. Type of material for building is brick face on concrete frame. Type of material for roof structure is slate and build-up.
- d. Area of site is 104,425 square feet.

CONCLUSIONS OF LAW AND OPINION:

The Board's review of the detailed plans submitted reveals that they are, with the exception of minor changes, substantially in accord with the submission approved by the Zoning Commission in its January 15th Order of Approval (Z.C. File No. 67-51). It is thus found to be in harmony with the objectives of Section 7501 of the Zoning Regulations and is in accordance with the intent of the Zoning Commission for this development. The landscaping, planting, screening and drainage plans were found to be satisfactory.

ORDERED:

That the above application for further processing be GRANTED subject to the following conditions and according to plans approved by the Board identified as BZA Exhibit Plan Z.

1. That all development approved by the Zoning Commission shall be completed by January 1, 1979, unless such time is extended by the Zoning Commission upon receipt of the proper application on behalf of the effected government in accordance with subsection 7501.8, and application for building permit shall be filed on or before December 30, 1975.
2. That the Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by paragraph 7501.79 of the Zoning Regulations.
3. That the applicant only install minimal extension lighting, and such illumination be directed towards the surface of the subject property.

Application No. 11703

Page 7

VOTE: 3-0 (Martin Klauber and Lilla Burt Cummings not voting, not having heard the case).

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

ATTESTED By:

  
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JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER:

  
SEP 30 1974

SEP 30 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.