Application No. 12011 of WRC-TV National Broadcasting Company, Inc., pursuant to Section 8207.1 of the Zoning Regulations for a variance from the use provisions of Section 3101.2 of the Zoning Regulations to permit a second story addition to the existing broadcasting studio and office and to permit a temporary office building for a period of two (2) years during the period of construction, as provided for by Section 8207.11 of the Zoning Regulations at premises 4001 Nebraska Avenue, N.W., Lot 1, Square 1722.

HEARING DATE: October 22, 1975
EXECUTIVE SESSION: Granted From The Bench, October 22, 1975

FINDINGS OF FACT:

1. The subject property is located in an R-1-B district. This Board first granted the National Broadcasting Company a use variance to establish an office building and special exceptions to establish a television tower and accessory parking in Appeal No. 4159, public hearing June 1, 1955. In Appeal No. 5494, this Board granted a use variance to permit continuation and enlargement of accessory parking facilities after a change in the Zoning Regulations.

2. In BZA Appeal No. 8234, this Board granted a use variance to permit an addition to the office building established under Appeal No. 4159. The existing building then contained 91,370 square feet and the new addition provided an additional 16,280 square feet.

3. In Appeal No. 10120, this Board granted the applicant a use variance to permit a second floor addition to the addition permitted under Appeal No. 8234. That addition would contain a floor area of approximately 8,140 square feet. Economic conditions existing at the time that Appeal No. 10120 was approved then made it unwise to proceed with construction. Consequently, that approval expired.

4. Applicant is seeking a reinstatement of Order No. 10120 herein, and additionally permission to locate a temporary office structure upon the subject property for a period of two (2) years during the period of construction of the proposed second floor addition. The location of the temporary office structure is indicated on drawing T-1 submitted as an exhibit with this application.

5. The increasing origination of news reports and programs from the Nation's Capitol over the years has made it necessary to increase the personnel of the news' staff servicing both the NBC television and radio networks and the local stations WRC, WKYS (FM), and WRC-TV. This personnel, of course, requires additional office space. There are also space requirements associated with the bicentennial and with the Presidential Inauguration for 1976.

6. The NBC technical facilities have been expanded to accommodate the increased news and local program origination, which requires additional technicians to operate the equipment. Additional floor space is required in the proposed new structure for the equipment and for the technicians.

The expansion is required at this location because this is where the studios are located from which the programs are broadcasted. Program personnel must work in the studio or adjacent to it. They cannot be located elsewhere.

7. The new office space will provide offices for thirty-five (35) employees immediately with sufficient space for fifteen to twenty future employees.

8. In Appeal No. 8234, which approved a one-story addition with a cellar, the applicant advised the Board that that addition was designed to accommodate an additional floor at some future time.

9. The need for additional spece for offices, equipment, and technicians is so acute that the applicant requires permission to establish a temporary office building on its property during the construction of the proposed second story addition. This temporary office building will be constructed for a period not to exceed two (2) years.

10. There is no evidence of any change in relevant conditions or circumstances, since the Board first granted permission to establish this second story addition in Application No. 10120.

CONCLUSIONS OF LAW:

The applicant has established in its prior cases before this Board that the strict application of the Zoning Regulations result in exceptional and undue hardship upon the property owner by virtue of the extraordinary and exceptional condition of the subject property. The Orders in those prior cases are incorporated herein. This Board first granted a use variance to permit the establishment of the original NBC Office building in 1955. In Appeal No. 4159, the Board stated:

> "It is patently clear that the hardship contemplated by the statute must, in all cases, go back to exceptional and unusual conditions which are inherent in the land, and that by reason of such factors development must not be practical. Here, development under normal conditions would logically result in the construction of an apartment house of some type; but the evidence is clear that there are no lending agencies which are willing to finance such a project, the reasons therefore being inadequate access to street frontage and the close proximity of a high concentrated commercial office operation which has already had adverse affect upon residential property located as much as one-forth mile distance. The location of this Government activity in such close proximity to appellant's land in and of itself, and with no more raises serious doubts as to the practical adaptability of it for

residential construction of any character whatsoever."

* * *

"...Analyzing this portion of the application, it seems clear to us that the NBC operation, being entirely self-contained, quiet, unobstrusive because of low height and screening by other commercially used buildings, and except for access roadway of thirty feet only, being no extension whatsoever of a commercial activity into the adjoining residential community north of existing commercial use, that it will provide an excellent use for this difficult property and at the same time serve as an effective transition between existing and probable strictly residential construction to the north and the somewhat intensive commercial development to the south and west. We believe the installation will have no adverse affect upon the surrounding neighborhood; and at the same time operate to contain the Navy Communications Office usage which is the source of all the land use problems now obtaining in this immediate area." Order in Appeal No. 4159, pp. 7-9.

The same conditions are equally applicable today. Additionally, there have been no changes in relevant conditions, since this Board granted permission to construct the second story addition in application No. 10120.

In view of the foregoing, and since the need for space is so acute to meet the service obligations of NBC, this Board further concludes that NBC is entitled to variance relief to permit the establishment of a temporary office building as shown on Plan T-1 submitted with this application for a period not to exceed two (2) years. The temporary office building is located in such a way that it will have no adverse impact upon surrounding property. This temporary office building is an appropriate use of the subject property in view of the previous variances allowed by this Board to establish the NBC facility.

ORDERED: That the above application be, GRANTED

VOTE: 4-0 (Board Member Cummings absent.)

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

ATTESTED BY: _____
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: October 22, 1975

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 HOUSING COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.