

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12268, of the Government of New Zealand, pursuant to Article 75, Section 7501.4 of the Zoning Regulations, for further processing of a Planned Unit Development for the erection of a chancery enclave in the R-5-A District at the premises No. 19 Observatory Circle, N. W., (Square 2147, Lot 57).

HEARING DATE: February 16, 1977

DECISION DATE: February 16, 1977 (from the bench)

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 No. 19 Observatory Circle, N. W. since December 31, 1942 and the residence of the Ambassador at No. 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 housed in 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 thirty-three (33) parking spaces. The site plans as amended at the public hearing provide for 58 parking spaces and are within five percent (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 four (4) stories and most of the building is only  $2\frac{1}{2}$  stories above the existing topography. The whole exterior of the chancery will be faced with brick to relate to the color and texture of the adjoining brick buildings.

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. Compliance under Paragraph 7501.41 of the Zoning Regulations is as follows:

- a. Drawings two thru five show the floor plans for the building. Drawings nine and ten show the architectural elevations.
- b. Drawing six shows the roof plan. Drawings nine and ten show the architectural elevation of the roof structure.
- c. Drawing one shows the final grade and drainage plan for the development.
- d. Drawing one shows the planning and landscape plans for the site.
- e. Drawing A shows the finished site plan with lot areas and the required access plan.

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 Government of Great Britain, Brazil and Bolivia.

12. The proposed chancery building will be completely in harmony with the character of the surrounding area. The structure will be 37 feet and six inches in height, and occupies only 18% 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. The Municipal Planning Office by report dated February 3, 1977 and by testimony at the hearing, found the 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.

14. 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.

15. On January 15, 1968, the Zoning Commission entered Order No. 67-51 approving the Article 75 application for a chancery enclave for the Government of Bolivia, Brazil, Britian and New Zealand. This Order pre-Dated 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 and R-5-D Zone was required. The Board, therefore, has jurisdiction to process this application under Article 75.

16. 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. Order No. 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 Sub-section 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 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.

17. Applicant seeks no relief under Section 7501.46 relating to roof structures.

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. It is therefore ordered that the application be GRANTED subject to the following conditions:

1. 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.
2. The Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by Paragraph 7501.49 of the Zoning Regulations.
3. Should any government at some future time wish to engage in additional Embassy or Chancery construction, it will be necessary to seek a modification of the Article 75 approval.
4. No vehicular access to the New Zealand Chancery be provided from Whitehaven Street.
5. The chancery shall be constructed in accordance with plans approved by the Municipal Planning Office on August 12, 1977, those plans marked as Exhibit No. P.H.-1.
6. The order of the Board authorizing this construction shall be valid for a period of 18 months. Within such period, the plans therefore shall be filed for the purpose of securing a building permit

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VOTE: 3-0 (Leonard L. McCants, Esq., William F. McIntosh,  
and Richard L. Stanton to grant).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 18 AUG 1977