

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12539 of National Broadcasting Company, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for an amendment to the Board's Order No. 12011 and a variance from the use provisions (Section 3101) to permit the continued use for two years of a temporary building, housing part of the staff of NBC in the R-1-B District at the premises 4001 Nebraska Avenue, N.W., Square 1722, Lot 1.

HEARING DATE: December 13, 1977
DECISION DATE: January 4, 1978

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 Number 4159, Public Hearing June 1, 1955. In Appeal Number 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 Number 8234, this Board granted a use variance to permit an addition to the office building established under Appeal Number 4159. The existing building then contained 91,370 square feet and the new addition provided an additional 16,280 square feet.

3. In Appeal Number 10120, this Board granted the applicant a use variance to permit a second-floor addition to the addition permitted under Appeal Number 8234. That addition would contain a floor area of approximately 8,140 square feet. Economic conditions existing at the time that Appeal Number 10120 was approved then made it unwise to proceed with construction. Consequently, that approval expired.

4. In Appeal Number 12011 applicant was granted a reinstatement of Order Number 10120 and additional permission to locate a temporary office structure upon the subject property for a period of two years during the period of construction of the proposed second floor addition. The original intent of the applicant was to utilize the temporary building for employees who were awaiting occupancy within the second-floor addition to the broadcast studio, which was then under construction. However, there has been an increase of staff over the past two years, and the main building is still fully occupied with no space to accommodate the occupants from the temporary building. Therefore, the applicant requires a two-year extension of the temporary building use so that existing occupants may remain within such building while NBC searches for a means to relieve its space concerns.

5. The increasing origination of news reports and programs from the Nation's Capital 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, requires additional office space.

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. The additional floor space is required in the temporary structure to provide for equipment and for the technicians.

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

8. The temporary structure provides offices for twenty-seven employees.

9. The need for additional space for offices, equipment, and technicians is so acute that the applicant requires permission to continue use of the temporary office building on its property.

10. There is no evidence of any change in relevant conditions or circumstances since the Board first granted permission to establish the temporary structure in Application Number 12011.

11. Even though the area is zoned R-1-B, the property is not located in the middle of a neighborhood of detached single family residences. The property is located on an isolated parcel of land, surrounded by the National Presbyterian Church, a U.S. Naval Reservation and Federal park land. The only street frontage is a thirty foot driveway opening on to Nebraska Avenue.

12. Abutting property owners of the subject site have no objection to the granting of the requested relief.

13. The Municipal Planning Office by report dated December 8, 1977, recommended approval of this application on the grounds that continued use of the temporary structure will not have an adverse impact on the surrounding area and will help the applicant in efficient conduct of its operation while the applicant develops a permanent solution to the space problem.

14. Advisory Neighborhood Commission 3E by report dated December 9, 1977 stated that it had not received the thirty day notice of the hearing of this case, and therefore no recommendation was given. The Board finds that notice of the hearing did appear in the D.C. Register, which is mailed to all ANC's, on November 11, 1977.

15. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

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 Number 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-fourth 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, unobtrusive 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 affective transition between existing and probable strictly residential construction of 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 temporary building in Application Number 12011.

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 continued use of a temporary office building for a period not to exceed two years. The temporary office building is so located 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. It is therefore ORDERED that this application is hereby GRANTED for a period not to exceed two years.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith, Leonard L. McCants)

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 MAR 1978

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