

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12574 of Flour Mill Limited Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Section 4407 and Sub-section 3308.2 to permit more than one roof structure on a residential-retail-office building in the W-1 and W-2 Districts at the premises 1110 Potomac Street, N. W., (Square 1185, Lot 81).

HEARING DATE: February 15, 1978
DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the Georgetown Waterfront and is known as 1110 Potomac Street, N. W. It is in a W-1 and W-2 District.

2. The subject site totals approximately 64,421 square feet and includes all of Square 1185. Residential, retail and office space is proposed for the site which will be a combination of new construction and renovation of existing buildings.

3. The subject site is bounded by the C & O Canal, 33rd Street, K Street, The Whitehurst Freeway and Potomac Street. The proposed office-retail-residential project occupies the site which was formerly the Wilkins/Rogers Milling Company. With the exception of two existing structures which will be incorporated into the new development, the site has been cleared. One building, the Bomford Mill, is listed as a category III landmark as designated by the Joint Committee on Landmarks of the National Capital.

4. Across 33rd Street from the subject property is a PEPCO substation and warehouse. East of the Flour Mill site a new residential complex is planned for Square 1187, The Paper Mill site. North of the C & O Canal along Potomac Street is the Old Georgetown Market which is being renovated.

5. The bulk of this site is zoned W-2 with only a narrow thirty foot strip adjacent to the C & O Canal zoned W-1, W-2 or W-3 between Rock Creek on the east and 37th Street, N.W. on the west. C-2-A zoning is found along M Street and Wisconsin Avenue at the center of the Georgetown commercial district.

6. Because this development is considered one building for zoning purposes, a special exception is required since the commercial and residential portions of the project have separate penthouses and stair towers. The roof structures are in compliance with all other requirements of Section 3308. The authority of the Board to approve roof structures which are not in compliance with Section 3308 is set forth in Sub-section 3308.2 of the Zoning Regulations.

7. The height of the roof structure will be 17.05 and 17.77 feet above the roof of the building. The penthouses have a combined gross floor area of 10,795 square feet, or .17 FAR, below the maximum of .37 FAR.

8. The roof structures are to be constructed of red brick which will be identical to the material used for the main structures.

9. The Commission of Fine Arts approved the design of the applicant's project.

10. A special exception in this case is required because the project proposes more than one roof structure on a building. Sub-section 3308.2 states that where impractical because of operating difficulties, size of building lot or other conditions relating to a building or surrounding area, the Board has authority to approve roof structures which do not otherwise meet the requirements of Section 3308 so long as the intent and purpose of this section are not materially impaired and that the light and air of adjacent buildings are not adversely affected by such action.

11. Although this project is considered one building for zoning purposes, the bulk of the residential and commercial activities are indeed separate and distinct. Each roof structure services a separate set of activities and structures which are physically separate above the plaza level.

12. The Municipal Planning Office, by report dated February 10, 1978, recommended approval of the application on the grounds that the roof structures as proposed are in harmony with the architectural character of the overall project, and would not impair the intent and purpose of Section 3308 of the Zoning Regulations and will not adversely affect the light and air of adjacent buildings.

13. Advisory Neighborhood Commission 3-A filed no written recommendation on this application. The Chairman of the Waterfront Committee and Zoning Committee for ANC 3 -A testified

that it was opposed to the application since the proposed penthouses would create a visual blight on the waterfront and the view of the river would not be preserved.

14. The Citizens Association of Georgetown opposed the application on the general grounds that it would oppose any penthouse more than ten feet high since such a height cut out light and air and in this particular instance would have a deleterious affect on those houses known as Cherry Hill.

15. As to the concerns of the ANC and the Citizens Association, the Board finds that the penthouses are less than eighteen feet six inches in height above the roof upon which they are located, and are thus within the limitation imposed by the Zoning Regulations.

16. The Board finds that unless the exception is granted, no elevator could be provided for one of the two wings of the building. The Board further finds it is not physically possible to provide an elevator override in ten feet.

CONCLUSIONS OF LAW:

Based upon the above findings of fact and the evidence of record, the Board concludes that the proposed roof structures meet the requirements of Sections 3308 and 4407 of the Zoning Regulations. The facades of the roof structures harmonize with the main structures in architectural character, material and color. The F.A.R. of the roof structures is within the permissible F.A.R. Light and air to adjacent properties will not be adversely affected, and approval of the roof structures is in harmony with the general purpose and intent of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant John G. Parsons to grant by proxy)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

9 MAR 1978

BZA No. 12574

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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.