

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12759, of 1140 - 19th Street Associates Limited Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to permit a roof structure which does not meet the set back requirements for a proposed office/retail building in the C-3-B District at the premises 1140 - 19th Street, N.W. (Square 117, Lot 81).

HEARING DATE: September 27, 1978
DECISION DATE: September 27, 1978 (bench decision)

FINDINGS OF FACT:

1. The affidavit of posting the property was filed three days late. The Board, for good cause shown, waived the requirement and proceeded to hear the application.
2. The subject property is located on the west side of 19th Street, N.W., between L and M Streets. It is in a C-3-B District.
3. The subject lot is approximately 10,462 square feet in area and is "L" shaped with approximately sixty-five feet of frontage on 19th Street.
4. Adjacent to Lot 81 on the south are two four story row structures which house commercial uses including two restaurants and a barber shop. Adjacent to the north, is a three story commercial structure. Nearly all the remaining structures in this block of 19th Street are eight or ten story commercial structures, the majority of which contain retail uses on the ground floor.
5. Nineteenth Street at this location forms the boundary between the C-4 Central Business District and a C-3-B high density Major Business and Employment Center. The C-3-B District is designed to accommodate important commercial sub-centers which are supplementary to the Central Business District. The C-3-B District in which this property is located has been the scene of a great deal of new construction in recent years. It is one of the most active commercial development areas of the city. The boundaries of the district are generally N Street, 19th Street, Pennsylvania Avenue and New Hampshire Avenue.

6. The proposed building will have a gross floor area of approximately 67,810 square feet. Office and retail space will be provided as well as parking in accordance with the requirements of the Zoning Regulations.

7. The proposed structure meets all the requirements of the Zoning Regulations with the exception of the setback requirements of the roof structure. With a height of 17.37 feet, an equal setback from all property lines is required.

8. The west, north and east facades of the roof structures exceed the 17.37 foot setback requirement. The south wall of the roof structure has no setback from the property line at this location.

9. The Board under Sub-section 3308.2 of the Zoning Regulations is empowered to approve the location of roof structures which do not fully comply with the Zoning Regulations where such compliance is deemed impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area.

10. The building is relatively narrow for a ninety foot high office building, and if the roof structure were to be setback from the south lot line, the elevator core could not be located in the center of the building, creating operating difficulties for the applicant.

11. The Municipal Planning Office, by report dated September 19, 1978, recommended that the application be approved. It noted that the proposed building complies with all requirements of the Zoning Regulations with the exception of the roof structure setback and that the lot area of 10,462 square feet is relatively small for a downtown C=3=B assemblage. In addition, the shape of the lot itself allows a street frontage of some sixty-five feet which is relatively narrow. The MPO further noted that the proposed roof structure is 17'-4" in height where 18'-6" is allowed as a matter-of-right and has a floor area ratio of 3,752 square feet where 3,871 is allowed. The MPO stated that as a practical matter with such a narrow building lot width and the shape of the lot, it was extremely difficult to comply with the roof structure setback requirements in this case given modern mechanical equipment parameters. Any reasonable configuration and location of this roof structure would intrude into the required setback. The Municipal Planning Office reported that the application would not adversely affect the light and air of adjacent buildings or impair the intent and purpose of the Zoning Regulations. The Board so finds.

12. Advisory Neighborhood Commission 2B, filed no recommendation on this application.

13. There was no opposition to the application.

CONCLUSIONS OF LAW:

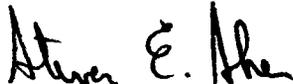
Based on the record, the Board concurs with the recommendations of the MPO. The subject property with its narrow building lot width and its "L" shape creates an impracticability which makes full compliance with the Zoning Regulations unduly restrictive and unreasonable and compliance with the regulations would create operating difficulties for the building. The characteristics of the property meet substantially the requirements of Sub-section 3308.2 wherein relief may be granted by the Board.

The Board concludes that the relief sought can be granted under Sub-section 3308.2 and it further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that the relief will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Walter B. Lewis, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

30 OCT 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.