

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13148, of Thaddeus A. Lindner et al., pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the use provisions of the R-5-D District (Sub-section 3105.3) to allow access to a parking garage serving an office building in a C-3-B District and a special exception under Sub-section 3308.2 to allow two roof structures on the same roof in an R-5-D and C-3-B Districts at the premises 1015 - 22nd Street, N.W. (Square 73, Lot 81 and alley proposed to be closed).

HEARING DATE: January 23, 1980
DECISION DATE: February 2, 1980

FINDINGS OF FACT:

1. The application was amended at the public hearing to include a special exception under Paragraph 3308.2 to permit roof structures with enclosing walls of unequal height.
2. The subject property is located on the east side of 22nd Street, N.W., between K and L Streets and is known as 1015 - 22nd Street, N.W. The K Street frontage is in a C-3-B District and the L Street frontage is in an R-5-D District.
3. The subject lot is approximately 33,113.26 square feet in land area. A service lane runs in front of the K Street frontage of the subject site.
4. The subject site is presently utilized as a parking lot.
5. The applicants propose to construct an office building, with office and/or retail uses on the first floor and first cellar, on that portion of the site presently zoned C-3-B. The R-5-D portion of the site will be developed as a condominium as part of the same project as the office building.
6. The applicants have applied for a closing of a portion of the public alley in Square 73, (S.O. No. 77-309) to effectuate the proposed development.

7. In connection with the alley closing application, the applicants have reached an agreement with the District of Columbia signing on behalf of the ANC-2A Commissioners regarding development of the subject site. A covenant has been executed by all parties which restricts development of the site and the number of parking spaces provided in a manner acceptable to the ANC-2A Commissioners. The number of residential parking spaces on the site is to be one for each dwelling unit or sixty-seven spaces and the number of commercial spaces is to be limited to the minimum number required, or fifty-six spaces.

8. The apartment and office uses of the project are designed to function as separate and distinct entities for purposes of security, convenience and energy conservation.

9. The applicant's architect testified that a separate elevator core is required for efficient servicing of the separate residential and office/retail functions of the proposed structure.

10. The architect testified that separate penthouses are required to enclose the lift mechanisms for each elevator core.

11. While it would be possible to connect each of these separate penthouses by a wall twenty feet in length so as to create a single roof structure in compliance with Section 3308.12, such a solution would involve additional design cost and complexity and detract from the use of the proposed roof garden areas of several of the apartment units.

12. The separate uses within the proposed structure have different floor to floor levels at the top floor.

13. The roof structure for the commercial portion of the project is of conventional design with height being dictated by the elevators. Applicants intend for this portion of the roof structure to be 18.5 feet in height.

14. Applicants propose that the roof structure for the residential portion of the structure be thirteen feet eight inches in height, or four feet ten inches lower than that for the commercial area.

15. The architect testified that the residential elevator core area is lower than the commercial area because the duplex units in the apartment structure do not require elevator service to the top floor.

16. The architect testified that the mechanical equipment to be located on the roof for the apartment building takes up far less space than that for the commercial portion because of the individual servicing of the apartment units for utilities.

17. The proposed height of the roof structure in the residential portion of the structure is suggested by the dimensions of the accessways to the roof gardens. Access to the roof garden areas from the apartments below requires an enclosed roof structure for each access stair.

18. The architect testified that standardization of the height of the roof structure in the residential portion of the project with that in the commercial portion would involve the addition of approximately five feet of unnecessary height or dead space to the residential elevator core. Additionally, approximately ten feet of unnecessary wall would have to be added to the covered walkways, which would have a negative aesthetic impact and increase shadows to the detriment of the proposed roof garden use.

19. The applicants' proposal for more than one roof structure and roof structures of unequal height will not substantially restrict the light and air or otherwise adversely affect the surrounding uses.

20. The site has a difference in elevation between its K Street and L Street frontages of approximately ten feet.

21. The grade change and inconvenience of ingress and egress from the service road at the K Street frontage makes access to the proposed parking garage from L Street most practical.

22. Single access to the parking garage from L Street is also necessary to allow for better security control of the building.

23. The architect testified that garage access from a point other than the lower grade point at L Street would impose needless design difficulties and a loss of rentable area.

24. The proposed access from L Street to the commercially zoned portion of the parking garage is not inconsistent with existing surrounding land uses and is more compatible with such uses than requiring access either from 22nd Street, K Street or the public alley at the rear of the site.

25. Advisory Neighborhood Commission - 2A made no recommendation on the application.

26. There was no opposition to the application.

27. At the public hearing the Board requested that an alternative roof structure plan be submitted for its consideration prior to the public meeting.

28. The applicants submitted an alternative roof structure plan approved by the Board at its February 6, 1980 public meeting and marked as Exhibit No. 25 of the record.

CONCLUSIONS OF LAW:

Based on the record and the findings of fact contained herein, the Board concludes that due to conditions relating to the building, the size of the building lot, architectural design and the type uses to which the site will be devoted, full compliance with Section 3308.2 of the Zoning Regulations, relating to the number of roof structures, would be unduly restrictive and unreasonable. Similarly, strict compliance with Section 3308.12 relating to uniformity of roof structure height would involve needless additional expense and have a negative aesthetic impact. The Board concludes that the applicants have basically satisfied the requirements of Sub-section 3308.2 and Paragraph 3308.12 of the Zoning Regulations and that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Maps.

As to the requested variance, the applicant must establish a hardship inherent in the property itself. The Board concludes that a combination of factors affecting the subject site, including its split zoning, frontage on a service lane, and frontages on both L and K Streets at a grade differential of ten feet, constitute an extraordinary or exceptional situation or condition affecting the subject site. Strict application of the Zoning Regulations proscribing access to the commercially zoned and utilized portion of the garage from the R-5-D District would impose peculiar practical design and security difficulties upon applicants. The requested relief will not adversely affect surrounding land uses. The Board concludes that the applicants have met the prerequisites for variance relief, and that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the ROOF STRUCTURE PLANS shall be as APPROVED by the Board and Marked as Exhibit No. 25 OF THE RECORD.

VOTE: 4-1 (Theodore F. Mariani, Charles R. Norris, Connie Fortune
and Leonard L. McCants to GRANT; William F. McIntosh
opposed as to the roof structures ONLY).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR
ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING
BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND
PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER
THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN
APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS
FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.