GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13187 of 1100 Eighteenth Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow construction of a roof structure which does not meet the noraml setback requirements of Paragraph 5201.24 and for a variance from Sub-section 5303.5 to allow a closed court in lieu of a rear yard, such court not meeting the required width for a proposed office, retail and parking garage building in a C-4 District at the premises 1801 L Street, N.W. (Square 140, Lot 872).

HEARING DATE: March 12, 1980
DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject property is located on the northwest corner of the intersection of L and 18th Streets, N. W. and is known as 1801 L Street, N. W. It is in a C-4 District.

2. The subject property is a corner lot of irregular shape which is intended to be developed with an adjacent companion building to be known as 1811 L Street, Northwest. The companion building is the subject of BZA Application No. 13124 and is on lot 873. The hearings on both applications were held on the same day.

3. Both lots are improved with a six story parking garage which is to be demolished. Lots 872 and 873 are held on different ownership but each lot is under a long term lease by the same applicant. In both applications it is proposed to construct a ten story office, retail and parking garage building.

4. Adjacent to the combined sites on the west is a two story structure which houses two restaurants. This structure is adjoined by a ten story hotel. North of the subject property along 18th Street, are a group of smaller structures which house a number of retail shops, restaurants, and service establishments. Most of these are housed in converted row structure. There are also a number of restaurants to the rear of the site and other establishments which are housed in one and two story structures. This section of the city has undergone significant development in the past ten to fifteen years. Ten and twelve story commercial buildings have in large part replaced the row structures, parking lots and auto dealerships which formerly populated the area.

Nineteenth Street, at this location, forms the western boundary of the C-4 district. West of 19th Street C-3-B zoning is in place.

5. The applicant requests a special exception to allow construction of a roof structure which does not meet the strict setback requirements of paragraph 5201.24. Under that paragraph the roof structure is required to be setback 18.5 feet from the lot line. The applicant proposes to construct the roof structure against the west property line.

6. In all other respects the roof structure strictly complies to all other C-4 Zoning Regulations. The penthouse is enclosed in a single enclosure and contains stairway, mechanical equipment including cooling tower, water pumps, fans and water heater, and elevator override. The material of the roof structure blends harmoniously with the facade of the main building.

7. Strict compliance with the setback requirements would require that the lobby be put in the center of the building, thus chopping up the available commercial space and creating operating difficulties.

8. The subject property and its relationship to the surrounding property, make it a practical and economic requirement to join the elevator cores of the two buildings. If the two were to be required strictly to meet the regulations, the functional space would be impaired for both buildings.

9. The subject property will not have a roof structure on a property line abutting a street or alley. Rather, the roof structure will be an interior penthouse not visible except from elevated or distant viewpoints. When built with the adjoining penthouse, the penthouse will be less visible and more compact than having separate nodules on each of the buildings. The effect created will be a single roof structure which straddles the two proposed office buildings.

10. The requested variance relief from the closed court width requirements of paragraph 5303.5 is necessary due to the irregular shape of the lot. There is a jog in the rear portion of the lot which has the effect of removing a five foot by twelve foot corner of the lot. Accordingly, the width of the closed court is reduced from twenty feet in width to only fifteen feet in width for a distance of twelve feet at the rear lot line.

Were it not for the jog in the lot, the closed court would measure twenty feet in width at all points and no variance would be required. The area of the closed court provided is greater than that required by the Zoning Regulations.

11. The "missing corner" of the lot is devoted to public alley use. Thus, even though the width of the closed court is less than that required by the Zoning Regulations, the same amount of open space is provided.

12. The light and ventilation of the adjacent buildings will not be affected.

13. The Office of Planning and Development by report dated February 13, 1980 considered Application Nos. 13187 and 13124 simultaneously. The OPD recommended that both applications be approved. The Office of Planning and Development noted that in these cases because of the nature of the ownership of this site and the long term lease agreements, one building will be constructed on each lot. Both buildings will however, appear as one from the exterior. The roof structures will be architectually coordinated and also appear as one from the exterior. The combined structure will be centered over the two buildings, overlapping both lots. The need for the relief from the roof structure setback requirements arises from the fact that technically these are two buildings, which should have separate roof structures and each enclosing wall should be setback from all property lines. Itwas OPD's opinion that combining the roof structure into one enclosure is consistent with the intent and purpose of Section 3308 of the Zoning Regulations which encourages roof structures to be in one enclosure.

As to the variance requested the OPD reported that it results from the short portion of the alley to the rear of the property which extends into the site approximately five feet. As a result the lot is rectangular except for the five foot by fifteen foot piece at the northwest corner of Lot 872. It is that portion of the closed court adjacent to the small extension of the alley which is non-conforming. The Office of Planning and Development did not believe that the redesign of the court to conform to the requirements of Section 5303.5 of the Zoning Regulations is warranted in this case. The OPD did not believe that the grant of this variance will result in any adverse impacts on nearby or adjoining properties nor will it affect the use of this building. The Board so finds.

14. The Dupont Circle Citizens Association objected to the application on the grounds that it would object to any penthouse being on a property line and that the builder had not given serious consideration to any energy utilization program. The Board finds that it is sufficient if the applicant addresses itself to the requirements of the sections of the Zoning Regulations under which it seeks relief. The energy utilization program is not a proper issue before this Board in this application.

15. Advisory Neighborhood Commission 2B made no recommendation on the application.

16. There was a letter on file from a neighboring property owner in support of the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a special exception and a variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Sub-section 3308.2 of the Zoning Regulations. The Board concludes that because of operating difficulties and the lot's relationship to surrounding properties, full compliance with the setback requirements would be unduly restrictive and unreasonable. The Board further concludes that the special exception can be granted as in harmony with the intent and purpose of the Zoning Regulations and that it will not affect adversely the use of neighboring property.

As to the variance, the Board concludes that this is an area variance the granting of which requires a showing of a practical difficulty upon the owner of the property which is inherent in the property itself. The Board concludes that the irregular shape of the lot creates such a practical difficulty. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED in its entirety.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune to grant, Theodore F. Mariani to grant by proxy, Leonard L. McCants not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 18 JUN 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.

LB