

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13406, of 1915 Eye 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 not meeting the normal setback requirements and for a variance from the off-street parking requirements (Sub-section 7202.1) to allow an addition to a retail and office building in the C-3-C District at the premises 1915 Eye Street, N.W., (Square 86, Lot 38).

HEARING DATE: December 17, 1980

DECISION DATE: December 17, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of I Street between 19th and 20th Streets, N.W. It is known as 1915 I Street, N.W. It is in the C-3-C Zone District.
2. The site is 3,815.06 square feet in area. It is basically rectangular in shape and has thirty-four feet of frontage on I Street.
3. The site is improved with a four story building which was built in 1917, which is currently vacant but had been used as an office building since 1977. The facade of the building is brown brick and is in the style of Post World War I Tudor Revival. Presently, the subject property has been gutted for restoration.
4. Immediately to the east of the property is a modern office structure approximately six stories in height housing the American Society for Microbiology. The property immediately west of the subject site is an older structure approximately four stories in height, housing a barber shop and the Washington Law Book Store. Two lots away, on the corner of 20th and I Street, is the new eight story office/retail complex known as the Esplanade. Immediately across I Street is a modern eight story office structure with ground level retail. Across I Street to the southwest of the site are a few three and four story structures housing activities such as law offices and retail uses.

5. The site is within a short walking distance of two Metro-rail stations. The Farragut West Metrorail Station is located on the corner of 18th and I Streets, N.W., approximately one and one-half blocks east of the subject site. The George Washington University - Foggy Bottom Metrorail Station is located on I Street approximately three and one-half blocks west of the subject site. The subject site is well served by mass transit.

6. The applicant proposes to restore the existing office structure by preserving the external fabric and configuration of the building but renovating the interior spaces. The applicant intends to build an additional four stories of office space with each additional story reproducing the Post World War I Tudor Revival facade of the existing structure. The entire property will be devoted to office use with the exception of ground level retail use.

7. The applicant has secured a tenant for the top four floors of the renovated building. The tenant has a valid lease with the applicant and the applicant must deliver the premises to the tenant by August, 1981. In addition, the applicant has pre-leased approximately sixty percent of the entire structure.

8. The applicant is required by Sub-sections 7201.3 and 7202.1 of the Regulations to provide a total of seven parking spaces for the project. There is currently one parking space on the site which has access to the public alley system in Square 86. The applicant therefore requires a variance of six spaces.

9. The applicant's architect testified that because of the lot constraints imposed by the existing building's lot coverage, it is impossible to provide the required parking spaces on the lot. The existing structure occupies approximately 3014 square feet, or seventy-nine percent of the site. There exists in interior court which occupies approximately 267 square feet, or seven percent of the site. This court is in violation of the Zoning Regulations and is inaccessible for use as a parking area since it is interior to the existing building. The remaining 534 square feet or fourteen percent of the site is large enough for only one legal size parking space. The Board finds that construction of a parking facility would be physically impossible because of the size, location and configuration of the existing building.

10. The applicant's architect also testified that in order to provide the required parking on site, the applicant would have to demolish the existing building and provide an underground garage.

11. The representative of the applicant testified that the applicant has obtained a commitment from a parking operator to provide seven parking spaces in the existing parking garage which is located at 1916 - 19th Street approximately 140 feet from the rear entrance of the structure on the subject site, Further, the distance from the front entrance of the parking garage to the front entrance of 1915 I Street is 410 feet. The applicant requested that the Board consider, as an alternative to the parking variance, a special exception under Sub-section 7205.3 to allow the required parking to be located on other than the lot where the principal use is located. The Chairman ruled to allow the applicant to amend the application to include the alternative relief.

12. The applicant also seeks a special exception pursuant to Sub-section 3308.2 of the Zoning Regulations to allow construction of a penthouse which will not be set back from all lot lines of the lot a distance equal to its height, as required under Paragraph 5201.24 of the Zoning Regulations.

13. The applicant's architect testified that the proposed four story addition to the existing structure will result in a building with a height of 89.83 feet. The penthouse will be an additional fourteen feet.

14. The mechanical penthouse, proposed by the applicant, houses elevator equipment and requires a height of fourteen feet above the building roof line. Under the Zoning Regulations, construction of this penthouse would necessitate a fourteen-foot setback from all lot lines. As the width of the lot is only thirty-four feet, it is impractical and impossible to locate the penthouse so that it is at least fourteen feet from each property line.

15. The proposed plan for the building sets the penthouse back approximately thirty-three feet from I Street, approximately forty feet from the rear property line, and approximately twenty feet from the western property line. The plan calls for erecting the penthouse adjacent to the eastern boundary over the space which is now an interior court. This court is currently in violation of the Zoning Regulations. Elimination of the court will bring it into conformance with those regulations.

16. The applicant's architect testified that the design for the proposed renovated building has won a national award for innovation in the adaption and re-use of an existing structure by the nationally circulated Progressive Architecture Magazine. This award will be announced in the magazine's January 1981 edition. The applicant submitted, for the record, a copy of the telegram from Progressive Architecture to the architect announcing the award.

17. The representative of the applicant testified that strict adherence to the Zoning Regulations with regard to parking requirement and/or penthouse setback requirement would force the owner of the property to abandon its plans for restoration of the building and pursue a different development alternative which would involve demolition of the existing building.

18. The representative of the applicant also testified that it currently has a favorable financial commitment for \$2.9 million that enables it to do the extensive renovation work necessary to restore the existing building and failure to secure prompt approval of this application could jeopardize the entire project. The applicant's timetable requires it to secure building permits by the first week of January 1981 and deliver the premises to its major tenant by August 1, 1981. Failure to meet this timetable will cause undue economic hardship on the applicant.

19. Advisory Neighborhood Commission - 2B, by letter marked as Exhibit No. 23 of the record, recommended approval of the application because of the design amenities offered. The ANC stated that retention of the building will be a visual relief and asset in this section of the downtown business district. The ANC agreed with the applicant that it is impractical and impossible to locate the penthouse at least fourteen feet from each property line because of the width of the lot. The ANC believed that it would not be detrimental to the public interest to construct the penthouse over the existing interior court. The Board concurs with the findings of the ANC.

20. There was no opposition to the application at the public hearing or submitted in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance, or in the alternative, two special exceptions. As to the special exception for the roof structure, in order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Sub-section 3308.2 and Sub-section 8207.2 of the Zoning Regulations.

The Board concludes that the applicant has met the requirements of Sub-section 3308.2 since the lot is only thirty-four feet in width and the mechanical penthouse required to serve the proposed structure is approximately fourteen feet in height. The Board concludes that it is therefore impracticable and impossible to locate the building penthouse so that the penthouse is at least fourteen feet from each property line.

As to the variance, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size of the lot, the configuration of the building on the lot and the nature of the improvements on the lot combine to create an exceptional condition. Further, the Board concludes that strict application of the Regulations would prevent the applicant from making full use of the site with an innovative and high quality building, thus causing a practical difficulty for the owner.

As to the special exception for off-site parking, the Board concludes that the applicant has not demonstrated two facts that the Board must know in order to be granted such relief. First, the lease for the parking spaces proffered by the applicant is not sufficient to establish that the spaces will be available as long as the subject building is in existence or as long as parking is required for that building. Second, there was no indication that the spaces proposed to be leased are not counted as required parking for the building in which they are located.

The Board concludes therefore, that the relief as to parking is appropriately in the form of a variance and that such relief can be granted. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. The Board further concludes that the special exception for the roof structure will be 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 Zoning Regulations and Maps.

Accordingly, it is hereby ORDERED that the special exception for the roof structure under Sub-section 3308.2 and the variance from the parking requirements are GRANTED.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis, Charles R. Norris
and William F. McIntosh to GRANT; Douglas J. Patton
not present, not voting).

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

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

FINAL DATE OF ORDER: 14 JAN 1981

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.