

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13436, of Fort Lincoln Senior Village III Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Sub-section 3308.2 to erect two roof structures which are not contained in one enclosure and under Sub-section 7205.3 to permit open parking spaces in front of a multiple dwelling for a proposed Senior Citizens' apartment building in an R-5-C District at the premises 3298 Fort Lincoln Drive, N.E., (Square 4325, Lot 41).

HEARING DATE: March 18, 1981
DECISION DATE: April 1, 1981

FINDINGS OF FACT:

1. The subject site is located on the westerly quadrant of the intersection of Ft. Lincoln Drive and 33rd Pl, N.E. It is known as premises 3298 Fort Lincoln Drive, N.E., and is in an R-5-C District.
2. The subject lot consists of approximately 14,000 square feet of land area. The site is generally rectangular in shape with a steeply sloping topography down-hill north to south. The site is visible from South Dakota Avenue to the south.
3. The applicant is constructing a 306 unit high rise apartment house of which 304 units will house senior citizens, aged sixty-two years or over or persons who are legally disabled under Federal standards. Two apartments are for resident personnel, the manager and engineer. Of the apartments, 290 are one bedroom units and fourteen are two bedroom units. Ten percent of the apartments will have special features for the handicapped.
4. The applicant is requesting a special exception under Sub-section 7205.3 to permit open parking spaces in front of a multiple dwelling. If approved by the BZA, open spaces accessory to any structure except one family dwellings may be located any where on the lot provided it is impractical to locate such space in accordance with Paragraph 7205.31 because of unusual topography, grades, shape, size or dimensions of the lot, lack of an alley, lack of appropriate ingress or egress facilities through existing or proposed alleys or streets, or traffic hazards caused by unusual street grades.
5. The applicant testified and the Board finds that the topographical conditions of the site create the need for this special exception request. The unusual topography of the site would require extensive and expensive land removal to provide all of the parking in the side yard. This would present practical difficulties in developing the site in strict compliance with the Zoning Regulations. The applicant submitted a landscape plan showing substantial and attractive landscape treatment of the parking areas and the remainder of the site. This plan further shows the placement of an outdoor recreational area to the rear of the building out of view of the front yard parking area. This recreation area is constructed on an infill area leveled by way of retaining walls to compensate for topography. If the building were oriented opposite to its siting, a reasonably level parking area would necessitate costly excavation. Earth retaining walls are proposed to be built to allow the construction of the thirty-one space lot located along the eastern property line.

6. The applicant is required to provide 109 parking spaces. The proposed site plan shows 153 parking spaces, or one space for every two residents. The applicant testified that because of the site's location, now well served by public transit, the additional spaces are needed to assure adequate parking for residents and visitors. The additional spaces will also serve as shared parking for a community center proposed to be built to the east of the site. Eight of the spaces will be reserved for the handicapped.

7. The applicant is requesting a special exception under Sub-section 3308.2 of the Zoning Regulations which states that all penthouses and mechanical equipment shall be placed in one enclosure, same to harmonize with the main structure in architectural character, material and color. Where impracticable because of operating difficulties, size of building lot or other conditions relating to the building or surrounding area which would tend to make compliance prohibitively costly or unreasonable, the BZA is empowered to approve the location and design of such structures, even if they do not meet the normal setback requirements. The BZA must further determine that the intent and purpose of the Regulations is not materially impaired and the light and air of adjacent buildings are not affected adversely.

8. The record reflects that the need for this relief is due to an effort to locate elevators where they could be of maximum service to the elderly and handicapped residents. Each of the two ten story towers has an elevator and stair penthouse in separate enclosures. The stair tower has to go to the roof and be at the end of each tower to meet the building code. The elevator needs to be in a central location within each tower for a reasonable vertical and horizontal circulation plan. The provisions for other mechanical equipment are made within the building. The elevator penthouse is 17.8 feet high and the stair penthouse is 8.8 feet high. These roof structures are constructed of materials colored to match the main facade of the building. The distance on the roof from the stair and elevator structures is forty-four feet. If the stair penthouse and elevator penthouses were enclosed in one roof structure, it would have to be of a height of 17.8 feet and extend for forty-four feet. If the single enclosure penthouse were built, it would require 334 linear feet and 6,012 square feet of metal wall area at an added cost of \$120,000. If built of precast concrete to match the main facade, the added weight would require expensive structural reinforcement work. The variance will not result in a cluttered roofscape or adversely effect the light or air of adjacent properties, since there will not be any high-rise construction within at least 200 feet of the property in any direction.

9. The Board notes that at the time the construction permit was issued, there was no need to seek the special exception since the roof structure enclosure conformed to the Regulations. The applicant confirmed this but testified that there was not enough time to complete the building within the fiscal year time period allowed for the availability of Section 8 subsidy funds to serve low and moderate income housing construction. The applicant further testified that if the Board denied the relief the applicant was prepared to go forward with the original plans. Any savings of funds will not inure to the applicant's benefit but will be used elsewhere in the subject property.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER THE 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.