GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13449, of American Security Bank, N.A. and Albert C. Borglie, Trustees, under the will of Elmer J. Payne, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow the construction of a roof structure which does not meet the normal set-back requirements in a C-4 District at the premises 1819 L Street, N.W., (Square 140, Lot 876).

HEARING DATE: March 18, 1981
DECISION DATE: March 18, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of L Street between 18th and 19th Streets, N.W., in a C-4 zone district at premises known as 1819 L Street, N.W.

2. The subject site is improved with a three story brick structure that is currently vacant. The site is 5,500 square feet in area, with an L Street frontage of fifty feet.

3. The lot is bounded on the north by an alley, on the west by the Anthony House Hotel, which is ninety feet high, and on the east by a parking garage that has an L Street frontage of 110 feet, and extends to the corner of 18th and L Streets.

4. The immediate area of the site has been the subject of substantial re-development within the past ten years, as ten and twelve-story commercial buildings have been constructed to replace many of the row structures and vacant lots that were used for commercial and retail purposes, including parking. Recently, in applications No. 13124 and 13187 this Board granted the applications of the owners of the garage located on the land adjacent to the subject site on the east to permit the development of that site by two complementary 110 foot office structures.

5. The proposed building on the subject site is to be 110 feet in height, the maximum height permitted by the Zoning Regulations, with a roof structure that rises the permissible eighteen feet, six inches above the top story. The roof structure has been designed so that its area of 1,528 square feet does not exceed the permitted allowance of one-third of the total roof area of 4,617.64 square feet. It will enclose a cooling tower area, mechanical equipment, the stairway to the roof, and the elevator shaft. The facade of the new building will be brown granite, and the roof structure will be constructed with brick of a color that is compatible with the building's facade.

6. Paragraph 5201.24 of the Zoning Regulations provides that a roof structure is to be set back from all lot lines a distance equal to its height, in this instance eighteen feet, six inches. Because of the narrow width of the subject site, it is impossible to locate the roof structure for the proposed building this distance from the east and west lot lines, respectively. The applicant therefore seeks a variance, permitting it to locate the eastern wall of the roof structure along the eastern property line, with a resulting set back on the west side that is two feet and six inches less than that ordinarily required. There will be no encroachment of the set-back requirements on the north or south. Thus the application seeks the same relief which this Board granted in BZA 13124 for the adjacent site to the east, in permitting a slightly greater deviation pursuant to Section 3308.2 of the Zoning Regulations in respect to a lot of substantially identical dimensions.

7. The applicable 8.5 FAR permits a gross floor area, per floor- of only approximately 4,600 square feet. As a consequence, the placement of the elevator core along other than the east or west property line would render the building unsuitable for office or commercial use as approximately 1,500 square feet would be required, on each floor, for just corridor access alone to the elevators. Thus the need for elevators, stairways, and rest rooms dictate the location of the roof structure as proposed by applicant. Moreover, because of the small size of the site, the cost of construction on it may be as much as thirty percent greater than would be incurred in developing a larger site.

8. The proposed roof structure will not materially impair the light and air of either adjacent building. It will be located sixteen feet from the property line of the lower ninety-foot building on the west. Not only is the parking garage on the adjacent lot to the east also twenty feet lower in height than the proposed building, it is scheduled to be replaced with a building of the same height as that proposed by this applicant.

9. The Office of Planning and Development by report dated March 12, 1981, recommended approval of the application on the grounds that given the small size of the lot, if the strict compliance with the roof set-back requirements is imposed, the applicant will be faced with an unduly restrictive, and unreasonable floor plan, which would reduce substantially the amount of useable commercial floor space, thus, reducing the marketability of the building. The OPD noted that the practical difficulties arise from the size and width of the lot, and that the application can be granted without impacting the light and air of adjacent structure nor spoiling the appearance of the L Street frontage. The Board agrees with the findings of the OPD. The Board notes, however, that the applicant is not seeking an area variance, and is thus not required to meet the "practical difficulty" test.

10. Advisory Neighborhood Commission - 2B, by letter dated March 10, 1981, voted unanimously not to object to the relief requested in this application.

11. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception which requires that the applicant meet the requirements of Sub-section 3308.2. The Board concludes that the applicant has substantially complied with Sub-section 3308.2. Due to the narrow width of the lot and its relationship to surrounding properties, the Board concludes that full conpliance with the setback requirements would be unduly restrictive and unreasonable. The Board further concludes that the relief can be granted as in harmony with the intent and purpose of the Zoning Regulations and will affect adversely the use of the neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Connie Fortune to GRANT; Douglas J. Patton not voting, not present at hearing of the application).

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

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

FINAL DATE OF ORDER: 23 APR 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.