GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13453, of the National Food Brokers Association, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to permit construction of an office building for a non-profit organization in an SP-2 District, and for variances from the open court requirements (Sub-section 4305.1), the off-street parking requirements (Sub-section 7202.1), from the prohibition against allowing required accessory parking spaces to measure less than nine feet by nineteen feet (Sub-section 7204.1) and from the prohibition against allowing construction of a roof structure, the walls of which will not be equal in height (Paragraph 3308.12) in an SP-2 District at the premises 1010 Massachusetts Avenue, N.W., (Square 342 , Lot 56).

HEARING DATE: April 8, 1981
DECISION DATE: April 8, 1981 (Bench Decision)

FINDINGS OF FACT:

1. At the time of public hearing, the application was amended to delete the request for the variance from the off-street parking requirements pursuant to Sub-section 7202.1 of the Zoning Regulations. The applicant's parking plan was amended to provide the required on-site parking. All other areas of relief remain the same.

2. The subject property is located on the southeast corner of the intersection of Massachusetts Avenue, and 11th Street, N.W. It is in an HR/SP-2 zone District at premises known as 1010 Massachusetts Avenue, N.W.

3. The subject site consists of 11,496 square feet of land area and is irregular in shape. It is presently unimproved and is used as a parking lot for approximately fifty vehicles pursuant to this Board's Order No. 13234.

4. The applicant proposes to construct a six story office building to serve as headquarters for the National Food Brokers Association. The total floor area ratio for the project will be approximately 3.5.

5. The Association plans to immediately occupy the two top floors and rent the lower four floors to other permitted SP uses pursuant to Paragraph 4101.44 of the Zoning Regulations. The applicant plans, however, ultimately to extend its offices to other floors as its needs require.

6. The subject site is adjoined on the east by an eleven foot wide public alley and on the south by an eight foot wide public alley. Immediately east of the subject site is a group of three, three-story row structures, one of which is vacant and the remaining two of which are devoted to residential use. Immediately west of the subject site, across 11th Street, is a nine story office building occupied in large part by the Federal Government. South of the site, in the remainder of Square 342, there are approximately twelve structures most of which are between two and four stories in height. The use of these structures is predominantly commercial, although approximately one-third are used for residential purposes and a few have residential uses over ground floor commercial space. Four of the structures appear to be vacant. Across Massachusetts Avenue, in the 900 block, is a large PEPCO substation and a number of commercial and residential buildings.

7. The general area surrounding the subject site consists largely of offices, apartment buildings, rooming houses, churches, parking lots, row houses and other buildings and uses. The architectural character of the neighboring buildings is varied and individualized. The site of the proposed University of the District of Columbia Mount Vernon Square Campus is two blocks to the east. The convention center, currently under construction, is approximately two blocks to the south.

8. One level of parking will be provided in the structure. Thirty-two parking spaces will be available to employees and visitors. Twenty-one of the spaces will be within the property line and eleven spaces will be located in vault space outside the property line.

9. One loading berth, which is larger than that required by the Zoning Regulations, is provided. The applicant testified that loading facilities have been arranged in such a manner that vehicular maneuvering in any street will be precluded. Further, the applicant proposes to set back all buildings and structures from the property line abutting the two alleys to the east and south of the site in order to effectively widen the two public alleys. With the addition of the applicant's property, the two alleys will each effectively be sixteen feet in width.

10. A variance from the court requirements is requested due to the architectural design of the building. The identations adjacent to the stair towers and service core at the rear of the building are open from the ground up and are, therefore, technically considered courts. No windows required for light and ventilation open onto these spaces. The spaces created by the intersection of the stair towers and service core are not intended to be courts, nor do they function as such. If the spaces were roofed over at the top floor, no variances would be required. To require that these spaces meet the court requirements of the SP District would be neither reasonable nor practical.

11. A variance from the requirement that the enclosing walls of a roof structure be of equal height is also requested. In this design the stair towers and the elevator penthouse, which functionally need not be of equal height, are expressed as separate architectural elements of the building. This results from the design decision to allow the functional elements of the building to be expressed. In practical terms to require the roof structures to be of equal height in this case would impose an additional expense, cause additional delay in the project and would compromise the design of the building.

12. The applicant's architect testified that, by employing bay windows, harmonious materials and detailing, the building will reinforce and be compatible with the existing streetscape. Further, he testified that arcades along the Massachusetts Avenue and 11th Street sides of the building were designed to facilitate pedestrian access and to enhance the attractiveness of the streetscape. The Board so finds.

13. The remaining variances concern the parking requirements. Due to the shape of the lot and the resulting shape of the building the parking layout is somewhat constrained. The applicant proposes to provide spaces which vary in size from approximately 8.37 feet by eighteen feet to 8.75 feet by nineteen feet. The regulations require all spaces to be nine by nineteen feet. The parking spaces which are less than nineteen feet in length were believed justified because the drive aisles serving such parking spaces were increased from the required fourteen feet to eighteen feet in width, as recommended by the D. C. Department of Transportation. The applicant could easily meet the nineteen foot depth requirements by reducing the aisle width to the minimum requirement. The applicant provides columns of two feet in diameter, which are arranged in such a manner as not to interfere with the opening and closing of doors, but actually provide more distance between adjacent parked cars than there would be with the required nine feet spaces side by side.

14. The applicant's witnesses testified that vehicular access to the subject site is facilitated by its location on two major streets, Massachusetts Avenue and 11th Street, N.W. and that Metro subway service is provided at Metro Center, approximately three and one-half blocks away.

15. Landscaping, which will include planters, a double row of trees, ground cover and other items, will be located along Massachusetts Avenue and 11th Street, N.W.

16. The Office of Planning and Development, by report dated March 20, 1981, recommended that the application be approved. The Planning Office testified that, in its opinion, the proposed building would be in harmony with the neighborhood and nearby properties and will be a substantial benefit to the area. The O.P.D. testified that the design of the building is exceptional on several counts. With regard to the court variance requested, O.P.D. noted that the spaces labeled as courts were done so for technical reasons only but are, in fact, features or architectural embellishments of the building. To require that these spaces meet the court requirements of the SP District, according to O.P.D., is neither reasonable nor practical. The O.P.D. also supported a grant of the roof structure and parking variances. OPD believed that the roof structure treatment was an attractive one and, if eliminated, would cause an additional expense and additional delay in the project. The representative of OPD testified that, with regard to the size of the parking spaces, the applicant was actually providing more distance between adjacent parked cars than would be provided with standard size nine foot wide spaces side by side. The OPD pointed out that although the parking layout did not meet the technical requirements of the Zoning Regulations, the arrangement is fully in keeping with the intent and spirit of the parking requirements and is actually superior in some aspects to what the strict application of the Regulations would achieve. The Board agrees with the findings and recommendation of OPD.

17. The D.C. Department of Transportation, by report dated March 24, 1981, stated that the provision of thirty-two parking spaces, including five spaces for visitors, was adequate. The DOT stated that the proposed development is expected to generate approximately twenty-seven new automobile trips during each of the peak hours, which would have no measurable adverse impact on the surrounding street system. As to loading, the DOT pointed out that the loading berth requirement was being satisfied by the provision of a berth for a fifty-five foot truck. It stated that the arrangement of loading facilities was satisfactory subject to the widening of the two existing alleys to sixteen feet each. The DOT recommended to the Board that the effective widening of the alleys should be made a condition for approval of the application. The Board finds the DOT's request to widen the alley to be a reasonable one, and will require that the applicant meet the condition of the DOT report to widen the two alleys to sixteen feet.

18. There was no report of Advisory Neighborhood Commission - 2C on this application.

19. There were several letters in support of the application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested relief requires a special exception and three variances. The granting of the exception requires the applicant to prove that it has complied with the requirements of Sub-section 8207.2 and Paragraph 4101.44 of the Zoning Regulations. The Board concludes that the requested variances are area variances, 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 applicant has met the burden of proof with regard to both the special exception and the three requested variances.

With regard to the special exception, the Board concludes that the proposed office building will be in harmony with existing uses on surrounding properties and will provide adequate parking on site so as to avoid the creation of objectionable traffic conditions. The Board further concludes that the provision of a loading berth of a larger size than required by the Zoning Regulations and the effective widening of the two adjacent alleys will provide for adequate loading and site circulation. Replacement of a parking lot with a well-designed building project will be an improvement to the surrounding neighborhood.

As to the three variances, the Board concludes that the irregular shape of the subject lot creates a practical difficulty for the owner. Further, the Board concludes that the three variances are minor, technical in nature and incidental to the primary relief requested. Moreover, the granting of the three variances will result in superior treatment of the parking layout, the provision of greater light and space amenities for occupants of the building on the rear and side facades of the building and the elimination of unnecessary or costly heat, air conditioning or other energy loss in the stair towers. The variances all improve the functioning of the building or its design.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plans as embodied in the Zoning Regulations and Map. The proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The site shall be constructed in accordance with plans marked as Exhibit No. 19 of the record.

2. The site shall be occupied by the National Food Brokers Association and any other office uses permitted in the SP District as set forth in the Zoning Regulations.

3. The applicant shall widen the alley in accordance with the specifications outlined in the Department of Transportation's report on file as Exhibit No. 25 of the record.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Charles R. Norris, Ruby B. McZier and Connie Fortune to GRANT).

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

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

FINAL DATE OF ORDER: 26 MAY 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 FATE 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.