GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13501 of the Prudential Insurance Co. of America, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the court width requirements (Sub-section 5305.1) to construct an office building in a C-4 District at the premises No. 1 Thomas Circle, N.W., (Square 214, part of Lot 110).

HEARING DATE: June 24, 1981
DECISION DATE: July 1, 1981

FINDINGS OF FACT:

1. The subject site is located on the eastern portion of Lot 110, Square 214, which is on the southwest side of Thomas Circle between M Street and Vermont Avenue, N.W., and is in the C-4 District.

2. The twelve story office building currently being constructed on the site is part of a larger development on Lot 110, which includes a hotel and retail space, as well as office use.

3. The building proposed for the site will have an irregularly shaped nine-story closed court in the center of the structure, due to the unusual configuration of the site and the fact that the building will face Thomas Circle. The court will not be visible from the street frontages. No other lot in the subject square or surrounding squares in the C-4 District is of such an irregular shape.

4. Sub-section 5305.1 of the Zoning Regulations requires that closed courts in the C-4 District be at least six inches wide for each foot of height of court. In this case, the court must be a minimum width of 53.00 feet. Due to its irregular shape, two sides of the court do not meet this requirement, having widths of 41.69 and 19.69 feet.

5. A square court having 53.00 feet on each side would not require a variance in this case and would contain an area of approximately 2,819 feet. The area of the court as proposed is approximately 3,350 feet.

6. The plans for development of the site, as filed with and approved by the Zoning Administrator, did not require the relief now sought. The plans called for a skylight to be constructed over that portion of the court which does not meet the requirements of the Zoning Regulations, so that it would not be open to the sky, and therefore would not be a court as defined in the Zoning Regulations.

7. The applicant now seeks the Board's permission to delete the proposed skylight over the portion of the irregularly shaped closed court.

8. The strict application of the Zoning Regulations in this case would require the expenditure of construction money to produce a result that is contrary to the intent of the Regulations. Construction of the skylight in order to satisfy the Zoning Regulations would thwart the very purposes for which court requirements are imposed by restricting the amount of light and air within the courtyard.

9. The Office of Planning and Development, by report dated June 18, 1981 and by testimony at the public hearing recommended that the application be granted. The OPD reported that the area of the proposed court is larger than the minimum required by the Zoning Regulations. The variance is necessitated by the shape of a portion of the court which results from the shape of the lot as it fronts on Thomas Circle. The Board concurs with the findings and recommendation of the OPD.

10. There was no report received from Advisory Neighborhood Commission 2C.

11. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requres the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the exceptional shape and size of this court, which are due to the unique frontages of the lot as it fronts on Thomas Circle, constitutes an extraordinary condition for the purpose of seeking variance relief. A peculiar and exceptional practical difficulty would result to the applicant if the skylight were required to be constructed, because it would decrease the amount of light and air reaching the building, and would impose an undue economic burden on the applicant in order to produce a result that is contrary to the intent of the Zoning Regulations.

The Board further concludes that the proposed relief may be granted without substantial detriment to the public good and without substantially impairing the intent and integrity of the zone plan as embodied in the Zoning Regulations and Map. The requested variance is minor in nature and will not affect surrounding land uses. The requested variance relief will further the intent and integrity of the Zoning Regulations, and will serve a public benefit, by ensuring that the court area at issue will receive sufficient light and air. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Lindsley Williams, William F. McIntosh, Connie Fortune and Charles R. Norris to grant, Douglas J. Patton 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: 1 SEP 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.