GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13502, of 16th Street Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to an existing SP office building when such addition in the aggregate will exceed the height, floor area ratio and court limitations of the SP-1 District, (Sub-section 4307.5) at the premises 1509 16th Street, N.W., (Square 194, Lot 98).

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

FINDINGS OF FACT:

1. The subject property is located in an SP-1 District on the east side of 16th Street, fifty feet north of P Street, known as 1509 - 16th Street, N.W.

2. The site is rectangular in shape, fifty feet wide by 100 feet deep, and consisting of 5,000 square feet of land area.

3. The site is developed with a seven story with basement brick building. There is a circular driveway located along the 16th Street frontage of the site.

4. North of the subject property is a ten foot wide public alley, followed by a three story semi-detached dwelling, a four story row dwelling, and on the southeast corner of 16th and Church Streets, a four story building which is undergoing renovation work for future office use. These properties are all in the SP-1 District. To the east of the site at the rear, there is a blue stone paved rear yard used for parking for 1529 P Street, a row dwelling in the R-5-B District. Row dwellings continue to the east in the R-5-B District. South of the subject property is a three story semi-detached structure in the SP-1 District. Across P Street is the Carnegie Institute of Washington, also in the SP-1 District. West of the subject property is 16th Street, followed by the Foundry United Methodist Church in the SP-1 District. Across 16th Street there is the seven story Embassy apartment house, a four story office building which is under construction, and the National Wildlife Federation building, all in the SP-1 District.

5. The applicant proposes to renovate the building and use it for SP type office uses. Under the provisions of Paragraph 4101.73, a use which was in existence as of October 5, 1978 may be extended to other portions of an existing structure. Office use was permitted and in existence on the basement, first, second and third floors pursuant to Certificate of Occupancy B95144 dated August 4, 1976.

6. In order to bring the building into compliance with the Building Code, two means of egress must be provided for vertical circulation in the building. The existing building abuts the lot line at the rear. It also abuts the lot line on its south side, including two non-conforming closed courts. The only available egress is thus located on the north side of the building.

7. The applicant proposes to construct an addition to the building located in the existing side yard on the north side. This addition would contain only a stair tower and elevators, and would provide no additional office space.

8. The addition would measure ten feet wide by 42.5 feet deep. It would be set back from the front of the building by twenty-eight feet, and would be set back from the rear lot line by 29.5 feet.

9. The existing building is seventy-nine feet, ten inches in height. The normal permitted height in an SP-1 District is sixty-five feet. The proposed addition will be of the same height as the existing building.

10. The existing building has a gross floor area of 24,931.20 square feet. With a maximum permitted floor area ratio of 2.5 for non-residential use, the maximum gross floor area permitted would be 12,500 square feet. The proposed addition contains 2,846.20 square feet. The total gross floor area proposed is thus 27,777.40 square feet.

11. The setback of the building from the front and rear lot lines creates two open courts. Each court is required to be a minimum of 39.42 feet in width. The courts as proposed are twenty-eight and 29.5 feet in width.

12. The applicant seeks a variance from the provisions of Subsection 4307.5 to construct an addition such that the building with the addition does not meet the floor area ratio, height and court requirements of the SP-1 District.

13. The lot is located in the 16th Street Historic District and subject to review by the Joint Committee on Landmarks. In this case, the Joint Committee recommended that the proposed addition be set back from the street facade, thus adding to the need for at least one of the court variances.

14. The location of the additioncentered on the side wall of the existing building was also determined by the need to have the two means of egress centered in the building to satisfy the requirement of the Fire Marshall.

15. In the present case, the location and size of the existing building and the location of the property in an historic district combine to make it practically difficult to construct the proposed addition without the requested variance relief. The existing building already exceeds the F.A.R. and height requirements of the SP-1 District. Accordingly, it is impossible to add to the building without exceeding the F.A.R. and height limitations.

16. The only alternative would be to place the proposed elevator and stairway within the existing building. This alternative is not practicable for several reasons. The structural integrity of the building would be drastically altered and significant reconstruction and interior remodeling would be required to maintain the structural stability. Many of the interior decorative features of the building, including ornate mantels and decorative trim, would be destroyed. Approximately 500 square feet of gross floor area would be lost per floor for a total loss of approximately 3,500 square feet. Since the existing building varies in width from twenty-nine to forty feet, the addition of interior stairways and elevator would drastically reduce its office utilization capability. The remaining office space on each floor would be fragmented, creating a totally inefficient interior spatial layout. The cost would be increased by an additional $120,000 at a minimum.

17. The proposed addition does not exceed the existing height of the building, but, of necessity, has to at least extend the full height of the building in order to provide egress for all floors. At the request of the Joint Committee, the elevator is underslung so that it does not exceed the height and the type of stair proposed is a "scissor stair", thus reducing the bulk.

18. The strict application of the Regulations would force the applicant to abandon its plans to renovate and restore the building and would require that the building be used in its present condition. This result is unacceptable since the existing building does not meet the minimum requirements of the Building Code for life safety.

19. The granting of the requested variance is in the public interest in that it will permit renovation of an existing building in compliance with the requirements of the Building Code and will also permit restoration of the 16th Street facade. Adequate light and air are provided due to the fact that the building already provides a non-required side yard and abuts a ten foot wide public alley.

20. Every effort has been made to minimize the height and bulk of the proposed addition. The underslung elevator obviates the need for a penthouse structure and enables the cornice lines of the addition to match those of the existing building. The scissor stair is not only more efficient, but it also reduces the bulk of the addition. Finally, as recommended by the Joint Committee, the proposed addition is set back approximately twenty-eight feet from the building line to minimize visibility from 16th Street and to blend in with the roof lines of adjacent buildings.

21. The Office of Planning and Development, by report dated June 19, 1981 and by testimony presented at the public hearing, recommended that the variance relief be granted. In its report OPD stated that if strict compliance with the SP-1 area provisions is required the owner will be faced with an unduly restrictive and unreasonable floor plan due to the placement of the addition on the interior, which would reduce the amount of usable floor space as well as create operating difficulties. The OPD also advised that the requested variance would not result in any adverse impact on nearby or adjoining properties, nor would the grant of the application substantially impair the intent, purpose, and integrity of the Zoning Regulations. The Board concurs with the findings and recommendations of the OPD.

22. Advisory Neighborhood Commission - 2B, by statement dated June 24, 1981, opposed the application on the following grounds:

a. The original use of the building was residential and floor plans showed that it could be so used again.

b. There was no valid certificate of occupancy for expansion of the non-conforming office use from three floors to the entire building.

c. The addition of an outside stairwell is prohibited by the Zoning Regulations.

d. There is nothing unusual about this piece of property in terms of its shape or topographical conditions that merits variance relief.

23. A representative of the Dupont Circle Citizens Association appeared at the public hearing in opposition to the granting of the application, citing essentially the same grounds as the ANC-2B.

24. The Board, by statute, is required to give great weight to the issues and concerns of the ANC. In addressing itself to these issues and concerns, as well as the opposition of the Dupont Circle Citizens Association, the Board finds as follows:

a. As set forth in Finding of Fact No. 5, under the provisions of Paragraph 4101.73 of the Zoning Regulations, the applicant has permission to extend the SP-1 office use throughout the building. The fact that the building was formerly used for residential purposes does not preclude its conversion to SP-1 office use.

b. Exhibit No. 20 of the record is a letter dated October 20, 1980 from Joseph Bottner, Chief of the Zoning Review Branch to counsel for the applicant. As set forth in that letter, no certificate of occupancy can be issued until there is a specific qualifying SP-1 office use. Accordingly, there is no certificate of occupancy on file.

c. There is nothing in the Zoning Regulations which specifically prohibits the addition of an outside stairwell. Further, the applicant in this case specifically requests a variance to permit the construction of the proposed addition.

d. In the previously stated Findings of Fact and the Conclusions of Law hereinafter stated, the Board has determined that the applicant has met its burden of proof and that there are several extraordinary or exceptional situations or conditions affecting the subject site.

CONCLUSIONS OF LAW AND OPINION:

Based upon the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty upon the owner of the property that stems from the property itself. The applicant's practical difficulty stems from the location of the property in an historic district, the size and shape of the lot and building, and the fact that there is an existing building on the lot which already exceeds the height and F.A.R. requirements of the SP-1 District. The Board concludes that these elements constitute the practical difficulty imposed on the applicant herein. The Board further concludes that strict application of the Regulations would force the applicant to abandon its plans to renovate and restore the building and would require that the building be used in its present condition. This result is unacceptable since the existing building does not meet the minimum requirements of the Building Code for life safety.

The Board concludes that it has recorded to the ANC "the great weight" to which it is entitled by statute. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning plan. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The applicant shall retain the existing front elevator and the existing interior stairway beginning at the level of the second floor.

2. The property shall be developed and renovated in accordance with the plans marked as Exhibit No. 18 of the record.

VOTE: 4-0 (Charles R. Norris, Lindsley Williams, William F. McIntosh and Connie Fortune 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: 3 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.