

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13524, of D.C. Government, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.47 for the proposed use of a radio tower by other commercial businesses in addition to Channel 50 in an R-5-A District at the premises rear of 6001 Georgia Avenue, N.W., (Parcel 101/55, Square 2983)

HEARING DATE: October 14, 1981

DECISION DATE: October 14, 1981 (Bench Decision)

ORDER

1. The Metropolitan Police Department uses the entire south side of the subject tower for its two-way communications. The MPD was requesting approval to allow commercial businesses to lease space on the entire northside of the tower.
2. In BZA Order No. 13524, dated August 20, 1981, the Board granted approval to the Metropolitan Police Department for additions to the subject existing tower to those facilities to serve television station Channel 50. The Board determined to hold an additional further public hearing on October 14, 1981 to consider whether additional commercial antennas on the tower should be permitted and the impact of such potential antennas on surrounding properties.
3. By memorandum dated September 25, 1981 from the Metropolitan Police Department to the BZA, the MPD advised the Board that the Department of General Services had advised the MPD that General Services is responsible for the leasing of all District of Columbia space to the private sector. The MPD requested that the application be amended to substitute the General Services as the proper applicant and that the application be continued until the Department of General Services could prepare its case.
4. The BZA staff, by telephone, advised the MPD that a representative of the Department of General Services be present at the scheduled public hearing of October 14, 1981 and request an amendment of the application and a continuance of the hearing.

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Application No. 13524, of the D.C. Government, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.47 for the proposed use of a radio tower by commercial businesses in an R-5-A District at the premises rear of 6001 Goergia Avenue, N.W., (Parcel 101/55, Square 2983).

HEARING DATE: July 15, 1981

DECISION DATE: July 15, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of Georgia Avenue, north of Peabody Street, N.W. The site also has frontage on 9th Street. The property is zoned C-2-A to a depth of 150 feet from Georgia Avenue. The remainder of the property is zoned R-5-A.
2. The subject property is owned by the Metropolitan Police Department and is improved with the Police Department's 4th District Headquarters facing on and known as 6001 Georgia Avenue.
3. The subject property also contains an existing 455 foot radio tower, located at the southeast corner of the property adjacent to 9th and Peabody Streets. There is also an existing transmitter building located directly south of the legs of the tower. The tower has been on the subject property since 1977, when it was acquired by a gift from the Sheraton Park Hotel.
4. Location of the tower on the property was approved by the Mayor of the District of Columbia on April 3, 1977. As a facility serving the Government of the District of Columbia, no zoning approval was required.
5. The Metropolitan Police Department is now requesting approval to allow commercial businesses to lease space on the entire north side of the tower. The entire south side is used by the MPD for its two-way communications.

6. Channel 50, Inc., a minority-owned, community-based television station has sought to lease space from the MPD in the tower from which it would broadcast its programming. The University of the District of Columbia, the D.C. Department of Transportation, and the Federal Bureau of Investigation have also expressed an interest in using the tower's surplus space.

7. In order to provide a good omni-directional signal, the proposed antenna must be located on top of the existing 455 foot tower. The antenna itself would be approximately forty-eight feet in height. The existing warning beacon on top of the tower would be relocated to the top of the new antenna. The total height of the tower would not exceed 509 feet.

8. In addition to the existing Police Department transmitter building, an additional transmitter building will be constructed for television broadcasting by Channel 50 within the four legs of the tower. The transmitter must be located on-site to avoid unacceptable "line-loss" in the co-axial pipe transmission line between the transmitter and the antenna.

9. Channel 50 further requires two additional antennas on the tower. One would be a four foot in diameter microwave receiving dish, to receive signals from the studios. This dish would be located at a height of approximately 210 feet. The antenna would be tilted toward the ground, but to the greatest extent feasible will be located within the planes formed by the four legs of the tower. The second antenna would be an eight foot high radio antenna to provide for two-way radio communication between local units.

10. The Police Department further requested approval from the Board to allow the installation of an unspecified number and type of additional antennas to serve other commercial users.

11. The tower is located on the southeast corner of the site. The tower is bounded on three sides by intervening streets and is 158 feet from the adjoining Parcel 101/54, which is more than one-sixth of the height of the tower, plus the proposed antenna.

12. It is neither technically nor economically feasible to locate the Channel 50 television transmitter off-site.

13. The antenna and tower location have been submitted to and approved by the Federal Communications Commission and the Federal Aviation Administration.

14. The proposed height is reasonably necessary to render satisfactory service to the service area of Channel 50, as determined by A.D. Ring and Associates, consultants in radio engineering.

15. The tower and transmitter area is enclosed with a chain link fence. To the north of the tower is U.S. Park Service property, followed by Quakenbos Street, and semi detached dwellings in the R-2 District. East across 9th Street is U.S. Park Service property used as garden plots. South of the tower across Peabody Street are apartment houses in the R-5-A District. The 4th District Police Station is adjacent to the antenna location to the west in the C-2-A District.

16. The tower has not adversely affected the use of neighborhood property since its installation in 1977, and the additional Channel 50 antennas proposed will not significantly change the impact of the tower.

17. The Office of Planning and Development, by memorandum received on July 10, 1981, recommended approval of the application. The Office of Planning and Development was of the opinion that the applicant's proposal meets the intent and purpose of Paragraph 3101.47 which lists conditions for the protection of neighboring properties. The proposed location and height will not affect adversely the use of neighboring property. The 460 foot tower has existed on the site for two years, without any known detrimental effects on the surrounding community. The tower is set back from the site's lot lines in accordance with the provision that the tower be removed from all lot lines a distance of at least one-sixth of its height or is separated from other property by an intervening street. The Board concurs with the findings and recommendation of the OPD as related to the facilities for Channel 50.

18. The applicant is seeking approval from the Mayor for construction of the additional antenna in excess of the height requirements.

19. There was no report from Advisory Neighborhood Commission-4B.

20. 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 applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.47 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied as to the proposed use by Channel 50. The tower has not been and will not be objectionable with the limited additional antennas sought by Channel 50.

The proposed height is reasonably necessary and appropriate setbacks have been observed. The transmitter equipment is located under the tower to provide technically satisfactory and reasonably economical transmissions.

As to the proposed use of the tower by other commercial users, the Board concludes that it does not have sufficient information to determine whether there will be an adverse effect on neighboring property. The applicant was unable to cite with sufficient precision how many antennas there might be, of what size and in what locations. The Board therefore determined to hold an additional further public hearing on October 14, 1981, to consider additional commercial antennas on the tower and the impact of such potential antennas on surrounding properties.

The Board concludes that, as to the specific facilities proposed for Channel 50, the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED as to the Channel 50 antennas and transmitter building only, SUBJECT to the following CONDITIONS:

1. Approval of additions to the existing tower is limited to those facilities to serve Channel 50.
2. The maximum height of the tower is limited to 509 feet, including the existing tower, the Channel 50 antenna and the warning beacon.
3. Channel 50 may erect one microwave receiving dish antenna, having a maximum diameter of four feet, at a height of approximately 210 feet. That dish antenna shall not extend more than four feet out from the face of the tower.
4. Channel 50 may erect on the existing tower, one radio antenna eight feet in height, no more than four feet out from the face of the tower.

VOTE: 5-0 (Lindsley Williams, Charles R. Norris, Connie Fortune,
William F. McIntosh and Douglas J. Patton 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: **20 AUG 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.