

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13587, of Alabama Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 6303.1) and the off-street parking requirements (Sub-section 7202.1) for a proposed new office building in a C-M-1 District at the premises 453 New Jersey Avenue, S. E., (Square 693, Lot 83).

HEARING DATE: October 28, 1981
DECISION DATE: November 4, 1981

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh to GRANT by proxy).

FINAL DATE OF ORDER: January 22, 1982

FINDINGS OF FACT:

1. The subject application was granted by the Board subject to the condition that construction be in accordance with the plans marked as Exhibit No. 29 of the record.
2. By letter dated April 23, 1982, the applicant requested permission to modify the plans in order to make the plans conform to the actual dimensions and grades of the lot as shown by survey and as altered by the contemplated demolition of the existing garage on the adjoining lot 71, to make small refinements and improvements in design, and, to avoid existing utility lines in public space adjacent to the property.
3. The modified plans evidenced that the applicant has made several minor changes in dimensions of certain portions of the project, has added a wall to screen adjoining lot 71, added a trash room door, and added a screen wall at the northwest corner of the building, and has made some refinements as to the windows.
4. The size, shape and footprint of the building are essentially the same as that previously approved by the Board. No additional variance relief is required.

5. The material facts relied upon by the Board related to the variances from the side yard and parking requirements are unaffected by the proposed modified plans.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed modifications are cosmetic in nature. The applicant needs no further relief from the Board. The variances originally sought are unaltered. The material facts the Board relied upon in granting the application are still relevant. There was no opposition to the proposed modifications.

It is therefore ORDERED that the modification of plans is APPROVED, and that the plans marked as EXHIBIT No. 36 of the record are hereby APPROVED and shall be substituted for those originally submitted to and approved by the Board as EXHIBIT No. 29. In all other respects, the Order dated April 21, 1982 shall remain in full force and effect.

DECISION DATE: May 5, 1982

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Douglas J. Patton to APPROVE; Charles R. Norris not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 24 1982

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."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13587 of Alabama Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 6303.1) and the off-street parking requirements (Sub-section 7202.1) for a proposed new office building in a C-M-1 District at the premises 453 New Jersey Avenue, SE., (Square 693, Lot 83).

HEARING DATE: October 28, 1981
DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of New Jersey Avenue and E Street, S.E. and is known as 453 New Jersey Avenue, S.E. The site is in a C-M-1 Zone District, and lies within the Capitol Hill Historic District.
 2. The site is 3,899 square feet in area. It is long and narrow, with dimensions of 49.06 feet on New Jersey Avenue, 115 feet on E Street, and 25.38 feet along the alley on the west.
 3. The subject property is presently occupied by a commercial parking lot.
 4. According to Sub-section 6101.1 of the Regulations, the C-M Zone Districts are designed for "heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls which would minimize any adverse effect on other nearby more restrictive districts." Office use is permitted as a matter of right.
 5. The C-M-1 District in which the subject property is located occupies most of Square 693 other than the New Jersey Avenue frontage, and includes the land across E Street to the south occupied by the Capitol power plant. The bulk of the block behind the row houses on New Jersey Avenue is occupied by a commercial parking lot. That parking lot is to be acquired by the United States Government and will be used for parking by Congressional staff. The Federal Government is also expected to establish a parking lot, which may provide for some public parking, in the area bounded by Canal Street, the railroad tracks and the
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Southwest Freeway. West of the site along E Street are several rowhouses of about two stories in height, some of which house law offices. There is also an auto repair shop. A gasoline service station is across Ivy Street at the intersection of Canal and South Capitol Streets. The Fairchild Building, a high rise office building, and a Bell Telephone Company building are across South Capitol Street on either side of E Street. The Capitol power plant occupies the entire block directly across E Street from the site. The Southwest Freeway is beyond the power plant to the south. Diagonally across from the site is a two-story brick building occupied by the United States Food and Drug Administration. The Capitol is four blocks north along New Jersey Avenue. The Longworth and Cannon Buildings are three blocks to the north. The Capitol South Metro Station is about two blocks away on First Street. S.E.

6. The land adjoining the site to the north is zoned R-4. The R-4 Zone District extends to the north and to the east. However, there is a small C-2-A Zone one block east of the site on First Street, S.E., which includes some mid-rise office buildings, banks, restaurants and other small commercial uses. New Jersey Avenue north to D Street is lined on both sides with two and a half story row dwellings.

7. The subject property may be developed to a height of forty feet in three stories with a floor area ratio (FAR) of 3.0.

8. A side yard is not required in the C-M-1 Zone District except where property zoned C-M-1 abuts a residential zone district. In that instance, a side yard of three inches in width for every foot of height of the proposed building, but not less than eight feet, must be provided.

9. Beneficial Corporation, the applicant's parent company, desires to construct a three-story office building on the site. The plan is for a structure that will be of brick and small in scale. Its roof will only be 4.5 to five feet higher than the adjoining houses. Like the nearby row buildings, the windows will be separate openings in the masonry wall. Both street frontages will have projecting bays, which are characteristic of the other buildings in the block. The two entrances will be in arched openings, a feature which also appears in many of the row houses. The building will have a hexagonal tower and conical cap at the corner, echoing a similar tower and cone on the house at the opposite end of the row of buildings on New Jersey Avenue. The structure will provide an appropriate transition from the Capitol power plant across the Street.

10. A subcommittee of the Joint Committee on Landmarks of the National Capital has reviewed the design and given it preliminary approval.

11. The Beneficial Corporation's governmental relations office will move to the building from Rosslyn, Virginia. The Corporation's six member staff will occupy approximately 2,500 square feet in the new building. The remainder of the building will be leased only as offices to tenants who are likely to be out of their offices most of the time, such as lobbyists, small trade groups and attorneys.

12. The floor area for FAR purposes of the proposed building is 11,697 square feet. The height of the building will be thirty feet, six inches, well under the permitted height limit of forty feet. The floor area will also be within the limits prescribed by the regulations.

13. Based on the proposed height, the structure must provide a side yard of eight feet. No side yard is proposed, and a variance of the full eight feet is requested.

14. If the variance is not granted, the buildable land area will be reduced from 3,899 square feet to 2,975 square feet. The gross floor area would consequently drop from 11,697 square feet to 8,925 square feet, a loss of approximately 23.7 percent, due to the combined effect of the smaller buildable land area and the three-story height limitation.

15. It is very difficult to build an office building on a lot as small and narrow as the one in question, even without a side yard. The proposed office building would be quite inefficient, with a ratio of net to gross floor area of about seventy-three percent. Only an owner who wanted a building for its own use would build on a lot of this size and shape. The building would be substantially more inefficient if the side yard must be provided.

16. The proposed building will complete the uninterrupted row of structures along New Jersey Avenue and restore the condition which existed when the houses that originally occupied the subject property were still standing. If the new building were built with the required side yard, an unsightly and unnecessary gap in the New Jersey Avenue streetscape would result. An eight foot gap between the proposed building and the adjoining house would be detrimental visually and would create a place for the accumulation of trash and other undesirable conditions.

17. On the basis of the gross floor area of the proposed building, Beneficial is required to provide sixteen parking spaces on the site. However, due to the narrowness

and small size of the lot, sixteen spaces cannot be located on the property itself. Beneficial proposes to provide parking in an underground garage. When the necessary fourteen foot access lane is provided, only four parking spaces measuring the the regulation nine feet by nineteen feet can be provided on the property. Eight more regular sized parking spaces can be provided in a vault under public space. An additional two spaces suitable for parking compact cars, measuring eight feet by fifteen feet, might be squeezed onto the lot. Altogether this arrangement would enable Beneficial to provide fourteen parking spaces, twelve of which would have the dimensions specified by the Zoning Regulations. Because of the easy access to Metro, Beneficial expects to use only two spaces at most.

18. The architect investigated the possibility of providing parking on two underground levels. However, the lot is so narrow that the access ramps would occupy so much space that only twelve regular sized parking spaces, all of which would be in vault space, could be provided in all.

19. Advisory Neighborhood Commission 6B, by letter dated October 22, 1981, recommended that the Board approve both variances. The ANC felt that "[w]ithout relief from the side yard requirement, applicant would be required to build a much smaller building which...would be uneconomic and unsuitable for office use....[A] practical difficulty stemming from the size of the property is very evident in this case." The ANC further stated its conclusion that twelve parking spaces would be "quite adequate." The Board agrees with the findings and recommendation of the ANC.

20. Both the New Jersey Avenue Neighborhood Association by letter dated October 28, 1981, and the Capitol Hill Restoration Society, in letter dated October 26, 1981, recommended tht the Board approve the side yard variance but took no position on the parking variance request. The New Jersey Avenue Association strongly commended the "architectural excellence" of the design. The Capitol Hill Restoration Society stated that:

"...the proposed use of the property (office rather than manufacturing) would tend to vitiate the need for a side yard buffer. We also note that the size and shape of the property together with its unusual (and inappropriate) zoning create special obstacles to any feasible development. This is especially true in light of the special requirement that any new construction on this site respect the architectural and historic character of the block."

The Board so finds.

21. The owner of the adjoining building to the north submitted a letter to the record in support of the application.

22. The architect for the project reviewed the development plan informally with the Office of the Architect of the Capitol. That Office specifically authorized the architect to represent to the Board that it has no objection to construction of the project as shown in the plans and exhibits presented at the hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the record and on the foregoing findings of fact, the Board concludes that the applicant is seeking two area variances. In order to grant the requested variances, the Board of Zoning Adjustment must determine that strict application of the minimum side yard requirement and minimum parking requirement would result in peculiar and exceptional practical difficulties to the applicant and that granting such variances will not cause substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan of the District of Columbia as embodied in the Zoning Regulations and map.

The Board concludes that the applicant has met the requirements of Paragraph 8207.11 with respect to each variance sought. Strict application of the minimum side yard requirement in this instance would be unnecessarily burdensome to the applicant. Because of the narrowness, smallness and unusual shape of the lot, the three-story office building planned for the site will be a very inefficient structure. Three stories is the maximum permitted by the applicable C-M-1 zoning, so increasing the height of the structure would not produce additional floor area. With these development limitations only an owner-user would consider erecting an office building on this site. If the required side yard were to be provided, the resultant reduction in usable floor area would be very substantial, thus rendering the structure that much more inefficient. Strict application of the minimum side yard requirements would result in peculiar and exceptional practical difficulties by reasons of exceptional narrowness or shape of the site.

The Board concludes that strict application of the minimum off-street parking requirement in this instance would also be unnecessarily burdensome. An office building such as the one proposed for the subject property is the highest and best use of the site. The development limitations of the site are so substantial that required parking must be provided in an underground garage. There is not sufficient space to provide more than four parking spaces measuring nine feet by nineteen feet on the lot

itself, although it will be possible to provide an additional eight full-sized spaces in a vault. A two-level underground garage would substantially increase the cost of the project but would not provide a greater number of parking spaces. Under the circumstances, therefore, strict application of the minimum parking requirements would result in peculiar and exceptional practical difficulties to the applicant by reason of the exceptional narrowness and shape of the site.

The Board further concludes that the variances can be granted without substantially impairing the public good. A diligent and successful effort was made to develop a design that is harmonious with the late 19th century row houses which line New Jersey Avenue and adjoin the site. The design has been preliminarily approved by the Joint Committee on Landmarks of the National Capital. The Office of the Architect of the Capitol, the affected Advisory Neighborhood Commission and other neighborhood organizations have expressed support for the design. Moreover, the new building will provide an appropriate transition from the Capitol power plant directly across E Street.

The variances can be granted without substantially impairing the intent purpose and integrity of the zone plan of the District of Columbia as embodied in the Zoning Regulations and map. An office building is a use permitted as a matter-of-right in the C-M-1 Zone District. The height of the proposed structure is substantially less than that permitted. Side yards are not generally required in the C-M-1 Districts. Requiring a side yard in this instance would have the opposite effect from the apparent purpose of requiring a side yard when such a lot abuts a Residential District. The garage will contain almost as many parking spaces as the Regulations require to be provided on the lot.

Accordingly, it is ORDERED that these variances are GRANTED in their entirety SUBJECT to the condition that the construction shall be in accordance with the revised plans marked as Exhibit No. 29 of the record.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune and Charles R. Norris to grant, William F. McIntosh to grant by proxy).

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

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

FINAL DATE OF ORDER: JAN 22 1982

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.