

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13590 of Sun Building Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3308.12 to construct a roof structure whose enclosing walls will not be of equal height and variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the height limitations (Paragraph 7107.21) and the set back requirements (Paragraph 5201.24) for the proposed addition of a mechanical penthouse in a C-4 District at the premises 1317 F Street, N. W., (Square 253, Lot 806).

HEARING DATE: December 16, 1981

DECISION DATE: December 16, 1981 (Bench Decision)

FINDINGS OF FACT

1. At the public hearing, the application was amended to delete the request for a variance from the requirements of Paragraph 5201.24 regarding the set back of the penthouses. The applicant had prepared revised plans, and the Zoning Administrator, by memorandum dated December 14, 1981 marked as Exhibit No. 20 of the record, advised that the set back variance was no longer required.

2. The subject property is located on the north side of F Street between 13th and 14th Street, N. W. It is known as 1317 F Street, N. W. and is in a C-4 zoning district.

3. The site is 6,026.1 square feet in area. It is rectangular in shape and has fifty-three feet of frontage on F Street.

4. The site is improved with a nine story building which was built in 1887, and has been used as office space until 1975. It has been unoccupied above the ground floor since that time. It has a roof with three levels, having heights of 119 feet, 10 inches, 124 feet and 134 feet, 3 inches, respectively. There presently exists an elevator machinery penthouse of approximately 100 years in age that has an overall height of 138 feet, 9 inches.

5. The building's overall height causes it to be in excess of the applicable height limitations and, therefore, a non-conforming structure.

6. The building is presently undergoing renovation to permit it to re-open as an office building. The applicant proposes to construct a roof enclosure to house air conditioning equipment.

7. Paragraph 7107.21 of the Zoning Regulations prohibits the applicant from constructing an addition to a non-conforming structure which now exceeds the height limitations. Due to the unique characteristics of this building, the erection of which predated the adoption of the District of Columbia Zoning Regulations, it would not be feasible to install an air conditioning system in the building unless a roof structure was erected. If the air conditioning equipment was not installed on the roof, it would be necessary to severely alter the structural framework of the building, thereby damaging its historic character and eliminating a significant portion of the useable space on its ninth floor.

8. The building currently has a roof structure which, in addition to being above the maximum height permitted under the Zoning Regulations, has two different roof heights. In particular, the existing machinery penthouse has roof heights of 134 feet, 3 inches and 138 feet, 9 inches.

9. The proposed roof structure would be built on the lowest of the three existing roof levels, would have vertical walls of equal height and would be painted so as to match the color of the front of the building. The structural supports for the roof can not tolerate a roof structure of masonry or stone. It is therefore impossible, without major structural alteration of the building, to enclose the proposed air conditioning facilities within walls made of the same materials as are found in the building's front. The applicant proposes, therefore, to enclose the air conditioning facility with walls of thin metal.

10. The proposed roof structure will not be visible from the front street level, the rear, or the west side of the building. The hotel which is in the process of being constructed on the south side of F Street immediately across from the subject building will not be constructed to a height greater than the height of the proposed roof structure. Consequently, the mechanical equipment within the roof structure itself will not be visible from the windows of the completed hotel.

11. The Office of Planning and Development, by report dated December 11, 1982 and by testimony at the public hearing, recommended that the application be granted. The OPD reported that the Sun building, which was built prior to the Height Act of June 1, 1919, exceeds the maximum height limitation for the C-4 District. The proposed roof

structure which will house air conditioning equipment will not add to the building's nonconformity in this regard, as it is designed to be lower in height than the existing roof structure, and is set back from the property lines in accordance with the Zoning Regulations. The OPD was of the opinion that the applicant is faced with a practical difficulty due to the building's height in complying with the strict application of the Regulations. The Board concurs with the findings and recommendations of the OPD.

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

13. There was no opposition to the application at the public hearing or submitted in the record.

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 and a variance. As to the special exception for the roof structure, in order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3308.12 and Subsection 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met those requirements since the proposed addition will comply with the height, setback and appearance requirements applicable to roof structures within a C-4 District. The Board further concludes that there already exists a roof structure built in excess of the applicable height limitation, and that it is therefore impractical to locate the new roof structure so that the enclosing walls shall be of equal height. The applicant would face substantial operating difficulties in locating the air conditioning equipment within the building.

As to the variance, the Board concludes that the requested variance is an area variance, 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 age and size of the building on the lot combine to create such an exceptional condition. Further, the Board concludes that the strict application of the Zoning Regulations would prevent the applicant from making full use of the site and would preclude the owner from fully restoring the building.

The Board concludes that the special exception for the roof structure will be 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 Zoning Regulations and Maps. The Board further concludes that the requested variance relief can be

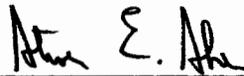
granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as set forth in the said Zoning Regulations and Maps.

Accordingly, it is hereby ORDERED that the application as amended is granted.

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

MAR 11 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.