

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13611 of Claude Moore, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraph 4101.44 and Sub-section 7205.3, to permit an addition to a professional office building and to permit parking spaces within a court and for variances from the floor area ratio requirements (Sub-section 4301.1 and Paragraph 7107.23) and the open court requirements (Sub-section 4305.1) in an SP-1 District at the premises 1420 - 16th Street, N.W., (Square 181, Lot 822).

HEARING DATE: November 18, 1981

DECISION DATE: November 18, 1981 (BENCH DECISION)

FINDINGS OF FACT:

1. The subject property is located in an SP-1 District on the west side of 16th Street between P and O Streets, N.W. and is known as premises 1420 - 16th Street, N.W.

2. The subject lot is thirty-eight feet wide and 125 feet deep. The area of the lot is approximately 4,756 square feet. The lot is bordered by a public alley at the rear having access to P and O Streets.

3. The property is improved with a four story brick structure. The structure shares a common division wall with the adjoining building to the north. It has a side yard of approximately six feet on its south side. There is a two car garage located in the rear yard.

4. To the north of the subject site, along a common division wall, is a seven story office building called the Embassy. Further north across P Street is the Foundry Methodist Church. Across 16th Street to the east is the Carnegie Institute of Washington. Immediately adjacent to the south is the office building of the National Wildlife Federation. Across the alley to the west is a parking lot for and the building of the American Trucking Association. There are also residential uses in the vicinity of the site.

5. The property was the subject of BZA Application No. 13344 which was heard on September 24, 1980, and decided on October 1, 1980, and which approved the grant of a special exception to use all floors of the building as professional offices and/or offices of non-profit organizations, and, in

addition thereto, approved the grant of a variance so that two of the required four off-street parking spaces may be eight feet, four inches wide instead of the required nine feet wide.

6. The applicant proposes to construct a two story addition to the existing garage, which requires a special exception under Paragraph 4101.44 allowing for an addition to a professional office building in the SP-1 zone. The applicant will reduce the height of the existing garage to seven feet, preserving the present two parking spaces therein. The applicant will then add an additional two stories to the existing garage, raising the structure to a total height of thirty feet, and increasing the square footage therein by 1,844.72 square feet. The total gross floor area of the improvements on the lot will be 12,124.44 square feet, or 234.44 square feet over the allowable 11,890 square feet. Thus, the applicant requires a variance from the floor area ratio requirements in the SP-1 zone of 1.97 per cent. Upon completion of the addition the garage building will continue to be lower in height than the adjoining building as well as the other structures in the immediate area.

7. The Developer will connect the garage addition to the existing office building through the use of a stair tower which results in the necessity for a variance from the open court requirements in the SP-1 zone as well as a special exception allowing for open parking spaces within a court.

8. The Office of Planning and Development by report dated November 13, 1981 and the hearing, recommended that the application be granted. The OPD was of the opinion that the proposed use, height, bulk and design of the structures are in harmony with the existing uses and structures on neighboring properties. The OPD was further of the view that the applicant's proposed on-site parking arrangement will not create any objectionable traffic or adverse conditions. The Board so finds.

9. Advisory Neighborhood Commission 2B made no recommendation on the application.

10. 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 two special exceptions and two variances. In order to be granted such exceptions, the applicant must demonstrate that he has complied with the requirements of Paragraph 4101.44 and Sub-sections 8207.2 and 7205.3 of the Zoning

Regulations. The Board concludes that the applicant has so complied. The use, height, bulk and design are in harmony with existing uses and buildings on neighboring properties. There will be no adverse traffic conditions or other objectionable effects. The Board further concludes that the special exceptions 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.

As to the variances, these are area variances the granting of which requires proof of a practical difficulty that is inherent in the land. The FAR variance is less than two percent and is minimal. The Board notes that it is the construction of the stair tower which creates the open court, inasmuch as the garage and main structure become a single building for zoning purposes. The Board notes that the court requirements for the SP Districts have been substantially reduced and, therefore, so has the degree of variance requested by the applicant.

The requested variances are of such a nature that the Board concludes that the requested 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 embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the special exceptions are GRANTED, and that the variances are GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Douglas J. Patton, Charles R. Norris and Connie Fortune 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: JAN 19 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.