

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13716, of 1023 Fifteenth Street, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to construct a roof structure which does not meet the setback requirements of Paragraph 5201.24 for a proposed new office, retail and garage building in a C-4 District at the premises 1023 - 15th Street, N.W., (Square 216, Lot 806).

HEARING DATE: March 24, 1982
DECISION DATE: March 24, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 15th Street between K and L Streets, N.W. It is in a C-4 District and is known as 1023 15th Street, N.W.

2. The subject property consists of 5,960.79 square feet and is generally rectangular in shape. The site has fifty-four feet of frontage along 15th Street and measures 118 feet on the north and 102.75 feet on the south. A fifteen foot wide public alley abuts the rear of the site. The site is vacant.

3. To the north of the subject property is an existing nine story office building. To the south is an existing twelve story office building which extends to the intersection of 15th and K Streets. To the east and west are also office buildings. The subject site and surrounding properties are in a broad area of C-4 zoning extending north to M Street, to the south as far as Lafayette Square, to the east as far as 14th Street, and as far west as 16th Street.

4. The applicant proposes to construct a twelve story commercial office building containing a gross floor area of approximately 58,703.51 square feet. A below-grade parking garage and ground level retail space are provided as well as the required loading docks.

5. The applicant seeks a special exception from the penthouse provisions of the C-4 District which require that the penthouse be set back from all lot lines a distance equal to the height of the penthouse above the roof of the top story.

6. The applicant proposes to construct a penthouse of sixteen feet in height, thus requiring a minimum setback of sixteen feet from all lot lines. From the northern property line a setback of sixteen feet is provided. From the eastern property line a set back of 29.35 feet is provided. From the western property line a set back of 20.96 feet is provided. On the south, the penthouse is located adjacent to the lot line and no set back is provided.

7. The penthouse would contain elevator machinery, cooling tower, exit stairs and air conditioning fans, pumps and related equipment.

8. Strict application of the Zoning Regulations would be unreasonable in that it would allow a penthouse of twenty-two feet in width due to the narrowness of the lot. Ten feet of width is necessary for the elevators, and the mechanical equipment would have to be squeezed into the remaining twelve feet. In addition, it would require placement of the elevator core in the center of the structure, which would be an inefficient and unreasonable use of space. It would significantly reduce the availability of parking spaces in the garage, would require the commercial retail space to be divided in half, and would adversely impact the amount of usable floor area on each floor.

9. The location of the penthouse on the southern property line will provide appropriate setbacks from adjacent streets, alleys and other buildings. There would be little impact on surrounding uses because the adjacent building to the south, where the penthouse will abut the lot line, is of the same height as the proposed structure.

10. The applicant proposes to blend the material of the penthouse with the facade of the main building.

11. Section 3308.2 of the Zoning Regulations provides that where impracticable because of operating difficulties, size of building lot or other conditions relating to the building or surrounding area which would tend to make full compliance unduly restrictive, prohibitive costly or unreasonable, the Board is empowered to approve the location and design of any or all of such structures even if such structures do not meet the normal set back requirements of the respective zone district, provided the intent and purpose of the section is not materially impaired thereby and the light and air of adjacent buildings are not affected adversely.

12. The Office of Planning and Development, by report dated March 19, 1982, stated that there are conditions relating to the width of the lot in question which create an unduly restrictive and unreasonable situation. These

conditions would create operating difficulties if strict compliance with the penthouse set back provisions were enforced. The proposed penthouse location and bulk will not adversely affect the light and air of surrounding properties, nor will the plan cause detriment to the present and future street-scape at this location. The OPD recommended approval of the proposed applications as being in compliance with Section 3308 and meeting the purpose and intent of Paragraph 8207.2 of the Zoning Regulations. The Board concurs with the findings and recommendation of the OPD.

13. There was no report from Advisory Neighborhood Commission 2C.

14. By letter dated March 19, 1982, the adjoining property owners to the south of the subject lot, upon which lot line the penthouse is proposed to be placed, advised the Board that they had reviewed the proposed plans and had no objection to the application.

15. There was no opposition at the hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

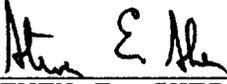
Based upon the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to construct a roof structure which does not meet the setback requirements. The Board concludes that because of operating difficulties and narrowness of the building lot, full compliance with the strict requirement of the Zoning Regulations would be unduly restrictive and unreasonable. The location of the proposed roof structure abuts a structure of similar height. Because of its height and bulk, the proposed roof structure will not affect adversely nor will it impair the light and air of adjacent buildings. The Board concludes that granting the requested relief will not impair the intent, purpose or integrity of the Zoning Regulations.

Further, the Board concludes that the proposed roof structure will be in harmony with the general purpose and intent of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Douglas J. Patton to GRANT; 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: JUN 21 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.