

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13717 of Papermill Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 4407.1 to permit more than one roof structure and for a variance from the prohibition against allowing an addition to a non-conforming structure which now exceeds the height limitations (Paragraph 7107.21) for a proposed retail, office and apartment building in a W-2 District at the premises 3251 K Street, N.W., (Square 1187, Lot 84).

HEARING DATE: March 24, 1982
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The application appeared on the Preliminary Calendar for the public hearing of March 24, 1982. Based on information submitted by the applicant, notice of the Public Hearing on this application was mailed on February 19, 1982 to owners of property within 200 feet of the subject site. Sixty of these notices were returned. All of the returned notices were addressed to 3251 K Street, N.W. After discussion with the applicant, unit numbers were added and the notices were remailed. The sixty notices were returned again. It appears that parties with a listed alternate address received their notices but notices addressed to 3251 K Street could not be delivered. The individual unit owners of the condominium and the condominium association had actual knowledge of the subject application because of prior discussions with the applicant at its appearance before the Commission of Fine Arts and at a subsequent meeting when the preliminary design consideration was disapproved. The Chair ruled that the application could go forward on its merits.

2. The subject site is located at the northeast corner of the intersection of Potomac and K Streets, N.W. and is known as premises 3251 K Street, N.W. It is in a W-2 District.

3. The site is trapezoidal in shape and consists of 39,724.60 square feet. The site is presently improved with several former warehouse buildings of varying heights.

4. The property is located within the boundaries of the Old Georgetown Historic District.

5. The subject project was originally designed as a luxury residential condominium. The applicant testified that because of the financial collapse of the former general partner and the subsequent inability to successfully market these units due to the decline in the housing market, a portion of the project has been redesigned to accommodate office use.

6. The first proposed change is in the building lobby entrance from K Street, N.W. The original plans for the residential project contemplated an outdoor "grand stairway" leading from K Street due north to the main entrance of the project. The stairway was to be landscaped with brick planters, and was to rise eleven feet over the eighty foot length of the entranceway. The entrance was to have been into the second floor. A canopy was to cover the last twenty feet of the entranceway. Below the stairway entrance was to have been approximately 1,600 square feet of retail commercial space. While this attractive outdoor "grand stairway" design is suitable for a residential project, the Board finds that it is impracticable for a commercial office use. The increased daily pedestrian traffic in and out of the building due to its commercial nature requires a more practical, enclosed, level entranceway design. Because of the greater intensity of use and different needs of commercial office users, this outdoor stairway design is not only impractical, but it also would be a hindrance to the safe, efficient entrance and exit of pedestrians, small deliveries, and handicapped, elderly and infirm users and visitors. The commercial use of this structure requires an adequately sized enclosed, level lobby area.

7. The entrance will now be located on the first floor level, through the area previously intended to be devoted to retail commercial space. In order to provide a suitable and functional lobby for the commercial office use, and to protect the entranceway from rain, ice, snow and other weather conditions, a skylight roof has been designed to be placed over the entranceway. The existing construction would accommodate only a very small eight foot by eight foot interior lobby which would be inadequate to handle the volume of pedestrian traffic expected to be generated by its commercial use. Due to the presence of subsurface rock and existing buildings, the lobby can only be expanded in one direction, and that is toward K Street. This change will result in a net decrease of usable revenue generating floor area due to the necessary deletion of the retail commercial area. In addition, this change will not cause the building to exceed the allowable floor area ratio (FAR) or lot occupancy.

8. The variance is required only because portions of the existing building exceed sixty feet. The proposed addition is far below the sixty foot permitted height.

9. The second proposed change is the addition of a second roof structure on the building. The Board previously granted approval for more than one roof structure for this development in BZA Application No. 12597, which was renewed in BZA Application No. 12999 dated November 5, 1979. The previously approved roof structure was to be in essentially the same location and larger than that presently before the Board. The second roof structure will accommodate the cooling tower and will be separated from the elevator machinery roof structure. The proposed additional roof structure is necessary in order to house the cooling tower which will serve mechanical equipment in the commercial building over which it is placed. Because of the design of the project, the most efficient location of the rooftop machinery is in the location as proposed. This roof structure will meet all requirements of Sub-section 4403.3 relating to height and setback of roof structures in the Waterfront District. This design was originally proposed by the Papermill Condominium Association in order to minimize shadows falling on the adjacent townhouse development directly to the northeast caused by a single penthouse. The proposed roof structure equipment theoretically could be placed in one roof structure, but this would require the construction of connecting walls between the elevator machinery portion and the cooling tower machinery portion which would result in a greater intrusion to light and air than the proposed plan.

10. The applicant has received the approval of the Fine Arts Commission and conditional approval by the Joint Committee on Landmarks, subject to approval by this Board. Additionally, the applicant's proposal has been reviewed by the Papermill Condominium Association and the Citizens Association of Georgetown.

11. The Office of Planning and Development, by report dated March 19, 1982 recommended that the application be approved. The OPD reported that as to the special exception, the subject penthouse complies with all the applicable roof structure provisions with the exception of the placement in one enclosure. The additional cooling tower is set back over one hundred feet from K Street and over sixty feet from Potomac Street. Strict compliance with the one enclosure provision will negatively impact on the facades of these existing early twenty century warehouses which contribute to the historic character of the Georgetown Historic District. It was OPD's opinion that the extra roof enclosure will not negatively impact the adjacent buildings. As to the variance, the OPD reported that the proposed entrance arcade to this commercial development, in these turn of the century warehouses, will provide street access to the office workers, visitors and handicapped persons. The total square footage of the existing warehouses plus the proposed new entranceway will use only two-thirds of the

allowed FAR for this site in a W-2 District. The building height, which is not in compliance, is established by the exterior of the existing warehouses. These facades are being preserved to enhance the historical character of the Georgetown Historic District. The Board concurs with the findings and recommendation of the OPD.

12. Advisory Neighborhood Commission 3A made no recommendation on the application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception and a variance. As to the special exception, it can be granted where the applicant evidences compliance with the requirements of Sub-section 4407.1. The Board, based on Findings No. 9 and 11, concludes that the applicant has met this burden. Based upon the evidence of record, the Board concludes that, due to operating difficulties and other conditions relative to the surrounding area, full compliance with the Zoning Regulations regarding the roof structure would be unduly restrictive and unreasonable. The location of the roof structure as shown in the plans will allow the most efficient operation of the cooling tower, and will minimize the creation of shadows on the adjacent townhouse community. The Board further concludes that neither the intent nor the purpose of the Regulations will be materially impaired by the requested relief. The roof structure will comply with the height and setback requirements of the Regulations. Moreover, a larger roof structure in essentially the same location was previously approved twice by this Board. The Board further concludes that neither the light and air, nor the use of neighboring property, will be adversely affected by the proposed relief. The plan was proposed by the adjacent property owners, the Papermill Condominium Association, in order to reduce the intrusion to light and air to the greatest extent possible. The plan has been approved by the Fine Arts Commission, approved conditionally by the Joint Committee on Landmarks and reviewed by the Citizens Association of Georgetown and the Paper Condominium Association.

As to the variance relief, the Board concludes that it is an area variance, the granting of which requires a showing of a practical difficulty upon the owner that is inherent in the land itself. Based upon the evidence of record, the Board concludes that the property is affected by an exceptional situation or condition which would warrant variance relief for the enclosed lobby addition. The existing warehouse buildings were originally to be converted

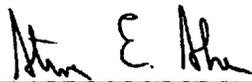
to residential use, but economic factors dictated that they be put to commercial use. A commercial use requires larger and more functional enclosed lobby area, and due to the existing layout of the building, without the requested addition the lobby would be approximately sixty-four square feet in area to serve a commercial building of 77,000 square feet. Therefore, a strict application of the Regulations precluding the construction of a lobby area would result in a practical difficulty. Moreover, the Board concludes that the requested relief can be granted without substantially impairing the intent, purpose or integrity of the Zoning Regulations. Relief is required because the existing buildings currently exceed the height limit. The requested lobby will be located on the ground floor, and will not cause the project to exceed the allowable FAR or lot occupancy.

It is therefore ORDERED that the application is GRANTED in its entirety.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton and William F. McIntosh to grant, Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUL 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.