

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13789, as amended, of the Estate of James O'Donnell, Ronald L. Maher, Trustee, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the yard requirements (Sub-section 5303.1), for proposed new construction as offices, existing front wall to remain, in a C-4 District at the premises 727 15th Street, N.W., (Square 222, Lot 20).

HEARING DATE: July 14, 1982
DECISION DATE: July 14, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The application as originally advertised requested two variances and a special exception. At the public hearing, two additional memoranda from the Zoning Administrator's office, dated May 10 and July 6, 1982, revising the original memorandum of March 23, 1982, were presented. The Zoning Administrator advised the Board that the variance relief originally sought by the applicant from the open court width requirements of the C-4 District under Sub-section 5305.1 and the special exception under Sub-section 3308.2 to allow the construction of a roof structure which does not meet the normal setback requirements as provided under Section 5201.24 were no longer necessary. The roof structure height had been reduced to comply with the Zoning Regulations and the area previously considered as an open court should have been considered as a court niche which may be constructed as a matter-of-right, as shown on Exhibit No. 27 of the record. Accordingly, the Board permitted the application to be amended to delete those two areas of relief. The Board proceeded to hear the application solely on the grounds of a variance from the rear yard requirements of Sub-section 5303.1.

2. The subject property is located on the east side of 15th Street between New York Avenue and H Street, N.W. and is known as premises 727 15th Street, N.W. It is in a C-4 District.

3. The subject site is generally rectangular in shape, except that the rear lot line lies at an angle to the front. The lot measures approximately 37.73 feet along 15th Street, 134 feet along the northern property line, 109.5 feet along

the southern lot line and 45.03 feet along the eastern property line. It has an area of 4,593 square feet.

4. The site is improved with a single-story structure occupied by the Playhouse Theater and utilized as an adult movie theater. The existing structure occupies approximately 100 per cent of the lot and is some forty feet high.

5. The subject structure is designated as a Category III Landmark of the District of Columbia. The site lies within the boundaries of the proposed 15th Street Historic Financial District which is being reviewed by the Joint Committee on Landmarks for inclusion in the National Register of Historic Places.

6. To the north of the subject is a 130 foot high office structure known as the Securities Building, which occupies approximately 100 per cent of its lot. To the south of the subject site is another landmark structure, the Folger Building, which houses a brokerage firm and occupies approximately 100 per cent of its lot and is approximately 130 foot in height. A ten foot wide ally runs along the east property line of the subject site at an angle. All surrounding structures are built to nearly the full 130 foot height permitted in the C-4 District.

7. The subject structure, built in 1908 as an office building, was used as a brokerage house until 1940. In 1940 the structure was remodeled for use as a restaurant. In 1948, it was converted to its present use as a theater.

8. The applicant proposes to return the subject structure to its original use as an office building housing a financial institution at the ground level and general offices above. The applicant seeks to retain the forty foot high ornamental facade of the existing structure, demolish the rear portion of the existing structure, and replace it with new infill construction of a twelve-story office structure. The new structure will be set back from the existing ornamental facade and will be stepped back substantially at its upper levels to form a harmonious architectural assemblage with the mansard roof of the adjoining Folger Building to the south.

9. The Joint Committee on Landmarks gave conceptual design approval to the project on January 20, 1982.

10. The project architect testified to the design recommendation of the Fine Arts Commission and the Joint Committee on Landmarks which, pursuant to D.C. Law 2-144 has jurisdiction over alterations of designated landmarks in the District of Columbia. The project architect testified that substantial amounts of floor area had been lost due to the need to commence the new infill construction at a point set

back behind the ornamental facade of the subject structure and by virtue of the series of stepbacks on the upper floor levels to accommodate continued public view of the mansard rooflines of the Folger Building.

11. The project architect also testified that the proposal would remove a portion of the existing structure which is built out to the rear lot line abutting the alley. This would create some open space abutting the alley and provide for loading facilities which do not presently exist. The irregular angle of the rear lot line makes the rear yard thus provided narrow from 24.6 feet on the north to a point adjacent to the Folger Building at the rear property line on the south.

12. The Zoning Regulations requires a rear yard of 28.08 feet for the subject building in the C-4 District. An average rear yard of 6.75 feet is provided. A variance of 20.33 feet or seventy-five per cent is required.

13. During the public hearing, the Board expressed concern for the potential of wind blown debris and trash accumulating in the northern corner of the rear yard at the proposed exit door on the ground level. This area was proposed to be open at the ground level and is enclosed above fourteen feet. A row of five columns supports that portion of the building above this area.

14. The Office of Planning and Development, by report dated July 9, 1982, recommended that the application be approved. The OPD reported that the applicant has shown that a practical difficulty exists because of the historic designation of the building which requires the facade preservation and set backs for the proposed new building in order to preserve the character of this historic landmark and proposed historic district. Also, the subject site is an irregular lot. The rear or east lot line forms a sharp diagonal due to the configuration of the public alley running behind the property. Strict compliance with the rear yard requirements would substantially reduce the bulk of the subject structure and would cause construction on an unusual angle due to the angle of the public alley to the rear. The OPD was of the opinion that the requested variance would have no adverse effect on adjoining property and the neighborhood and the relief could be granted without impairing the intent, purpose, and integrity of the zone plan. The Board concurs in the OPD report and recommendation.

15. Advisory Neighborhood Commission 2C by letter dated July 12, 1981, advised the Board that as of the 12th of July, no opposition to the proposed application had been expressed by citizens or ANC Commissioners.

16. Letters of support were received in the record from adjoining and nearby property owners.

17. No one appeared in opposition to the application at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires evidence of a practical difficulty that is inherent in the site. The Board concludes that the applicant has met its burden of proof. The site is presently improved with a landmark structure, the facade of which the applicant proposes to retain. The attempt to preserve the landmark facade while erecting new construction compatible with the facade and surrounding structures imposes an exceptional situation with respect to the development of the subject site. These exceptional circumstances combined with the angled nature of the rear lot line, dictate design, lot occupancy and the location of the proposed new building. The Board concludes that the strict compliance with the rear yard requirements would pose practical difficulties on the applicant because of the need to retain the existing facade, the design recommendations of the Joint Committee on Landmarks and a loss of buildable FAR.

The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED provided that the plans as shown on Exhibit Nos. 8 and 27A of the record shall be revised to provide for an extension of the exit stair at the ground level in the rear yard by enclosing the area between and to the end of the proposed columns and the northern property line.

VOTE: 5-0 (Connie Fortune, Lindsley Williams, William F. McIntosh, Douglas J. Patton and Charles R. Norris 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: NOV 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.

DISKET PELZER