

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14189, of Southern Building Associates, pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the loading berth requirements (Sub-section 7302.1) and a special exception under Sub-section 3308.2 to permit a roof structure not meeting the normal setback requirements for a proposed two floor addition to an existing office building, expansion of penthouse and renovation of the building, in a C-4 District at premises 1425 H Street, N.W., (Square 220, Lot 44).

HEARING DATE: October 10, 1984

DECISION DATE: November 7, 1984

FINDINGS OF FACT:

1. By BZA Order No. 13977, dated September 20, 1983, the Board granted the same relief to the same applicant for the same structure as requested in the present application.

2. The applicant did not apply for its building permit within the six months time prescribed. The applicant had planned to renovate the subject structure only after all the tenants had vacated. The primary tenant, National Savings and Trust, could not vacate until the new construction on its new site was completed. Said tenant has now given the applicant a six months notice to terminate, which time period permits the applicant to file within the six month requirement of the Zoning Regulations. All funding has been arranged for the subject proposal.

3. The Board incorporates by reference all of the Findings of Fact and Conclusions of Law contained in Order No. 13977, a copy of which is attached hereto.

4. The Office of Planning, by report dated October 3, 1984, recommended approval of the subject application. The Office of Planning reported that the facts have not changed since the Office of Planning report prepared on the prior application.

5. There was opposition to the application on behalf of the adjacent property owner who owns a parking garage directly east of the subject property. His concern dealt with the possibility of constructing a building in the future on the parking garage site and that the subject penthouse location could obstruct site lines to the west,

namely a view of the White House and the Treasury building. Another concern was the location of the mechanical shaft on the subject structure that could affect the location of mechanical shafts on the potential building.

6. The Board, in response to the opposition, finds that the wall of the subject penthouse does not extend to the H Street wall of the building and that the vertical wall of the proposed penthouse would be 18.5 feet from the subject property line. As to the issue of the location of the shafts, this would be under the jurisdiction of the Building Code.

7. Advisory Neighborhood Commission 2C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the Findings of Fact and Conclusions of Law set forth in Order No. 13977, dated September 20, 1983, are still valid, except as modifies herein, and are applicable to the subject application. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Maybelle T. Bennett and Carrie L. Thornhill to grant; Douglas J. Patton not voting, not having heard the case).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

3 DEC 1984

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 CONSUMER AND REGULATORY AFFAIRS.

14189order/LJPA

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13977, of Southern Building Associates, pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the loading berth requirements (Sub-section 7302.1) and a special exception under Sub-section 3308.2 to permit a roof structure not meeting the normal setback requirements for a proposed two floor addition to an existing office building, expansion of penthouse and renovation of the building, in a C-4 District at premises 1425 H Street, N.W., (Square 220, Lot 44).

HEARING DATE: June 22, 1983  
DECISION DATE: June 22, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 15th and H Streets, N.W. and is known as premises 1425 H Street, N.W. It is in a C-4 District.

2. The site is rectangular in shape with 148.083 feet of frontage on H Street and 150.00 feet of frontage on 15th Street. The site is improved with a nine-story office building with ground floor retail use and is known as the Southern Building. The building was constructed in 1912. The structure occupies the entire site.

3. Immediately to the north of the site is a twenty foot wide public alley running east and west through the subject Square 220. North of the twenty foot wide public alley is a twelve-story office building with frontage on 15th Street known as the Bowne Building and north of that is a six-story structure occupied by the National Bank of Washington (NBW) located at the southeast corner of the intersection of 15th and I Streets, N.W.

4. Northwest of the subject site immediately abutting the NBW building and the Bowne Building on the east is a north/south ten foot wide public alley running from I Street on the north to the twenty foot wide east/west alley on the south. Immediately to the east of the ten foot alley on I Street is an eleven-story office building at 1414 I Street at the rear of which is a vacant Pepco sub-station. Further to the east of 1414 I Street at the southwest corner of 14th and I Streets, N.W. is a thirteen story office building

under construction over an entrance to the McPherson Square Metrorail Station at 1400 I Street, N.W.

5. East of the subject site is a ten-story parking garage and two-story structures at the northwest corner of the intersection of 14th and H Streets, N.W. containing commercial uses such as a valet, a florist and an adult entertainment center.

6. South of the site, across H Street, is the Woodward Building, an eleven story office building located at the southeast corner of the intersection of 15th and H Streets, N.W. East of the Woodward Building along H Street is a partially excavated site for office development followed by a newly constructed eleven-story office building at the southwest corner of the intersection of 14th and H Streets, N.W.

7. West of the site, across 15th Street, is the Shoreham Building, a twelve-story office building. Northwest of the site along 15th Street and north of the Shoreham Building extending to the southwest corner of the intersection of 15th and I Streets is the twelve-story Lafayette Office Building.

8. Diagonally across from the subject site at the southwest corner of the intersection of 15th and H Streets, N.W. is the Union Trust Building, an eleven-story office building.

9. The site is located in the Central Employment Area in an extensive area of C-4 zoning.

10. The site is within the boundaries of the Historic Financial District and the subject structure is a Category III Landmark.

11. The applicant proposes to rehabilitate and restore the existing Southern Building and to construct an additional two floors consisting of 32,000 square feet of floor space.

12. The Southern Building was originally constructed by the Southern Commercial Congress and was originally designed in 1910 as an eleven story structure. Because of financial difficulties, the design was reduced to a nine-story structure. However, the existing Southern Building was constructed to structurally support the two additional floors.

13. The subject structure is a "U"-shaped building above the third floor. The open portion of the "U" faces to the west along 15th Street. The building is a terra cotta building with some brick verticle piers.

14. An existing penthouse is located along the east wall of the building which is contiguous with the eastern

lot line. The penthouse is two-stories in height, or approximately twenty-seven feet, and measures approximately eighty-five feet by thirty-three feet. It is set back from the north and south lot lines by approximately thirty-three feet.

15. Approximately 2,500 square feet of the existing penthouse is presently leased and occupied as office space. Elevator service presently extends to the existing penthouse and roof.

16. The proposed two-story addition is designed to be compatible with the architectural style of the existing structure.

17. The proposed addition will increase the height of the structure to the maximum 130 feet permitted and will further decrease any visibility of the penthouse from the ground. The addition will not obstruct the light and air of any abutting structure since it is not likely that windows would be constructed in the abutting wall.

18. Below the penthouse is the elevator core and main lobby at the ground floor. The lobby has existing access from 15th and H Streets. There is no present access to the rear of the building. The applicant proposes to extend additional access to the lobby area from the twenty-foot alley abutting the site to the north to provide access to the rear of the building as well as to provide convenient access through the alley system to the McPherson Square Metrorail Station entrance at the northeast corner of the subject square.

19. The proposed renovation will include the removing of an exterior fire stair on the north side of the building. A new interior fire stair will be constructed to comply with present code requirements.

20. The subject structure does not provide an off-street loading berth. Existing loading activities occur on the northeast side of the building from the adjoining twenty-foot alley through an overhead door. Some loading activity occurs on 15th Street.

21. The twenty-foot alley will not permit trucks to maneuver adequately to utilize a loading berth.

22. The applicant testified that there is no present problem with loading activities. The existing ground floor retail uses generate few supplies and little trash.

23. The Fine Arts Commission and the Joint Committee on Landmarks have given conceptual approval to the project.

24. The C-4 District permits a gross floor area on the site of 222,124.5 square feet or a floor area ratio of 10.0. A gross floor area of 202,991.78 square feet is provided including the 32,854.2 square foot addition.

25. One loading berth is required pursuant to Sub-section 7302.1. None is provided, requiring a 100 percent variance.

26. The proposed roof structure is required to set back 18.5 feet. No set back is provided, requiring a variance of 100 percent.

27. The Office of Planning, by report dated June 15, 1983, recommended approval of the application. The Office of Planning was of the opinion that the application met the intent of Sub-section 7302.1 regarding loading berth requirements and Paragraph 8207.11 of the Zoning Regulations, the principal purpose of which is to provide relief for a property owner from unnecessarily burdensome compliance with specific area restrictions. The Office of Planning reported that the application also meets the intent of Sub-sections 3308.2 and 8207.2 regarding exceptions to penthouse setback requirements. The non-conformities for loading berth and penthouse setback were brought about by the pre-1958 age of the existing structure, the landmark status of the Southern Building, and the encompassing Historic Financial District. These non-conformities would not be appreciably exacerbated by the proposed two-story addition which is intended to fulfill the original 1912 design. The Office of Planning believed that there would be no significant adverse impact on the surrounding area or on the community at large. The Board concurs with the reasoning and recommendation of the Office of Planning.

28. The Office of Planning reported that the D.C. Department of Transportation concurred with the Office of Planning's assessment that given the pre-existing conditions regarding loading and the fact that only 2,885 square feet will be added beyond the 29,989 square feet not requiring additional loading facilities, the adverse impacts will likely be minimal.

29. Advisory Neighborhood Commission 2C did not file a report on this application.

30. No one appeared at the public hearing or of record in 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 a

special exception and an area variance. With regard to the special exception, the applicant must prove that it has complied with the requirements of Sub-section 3308.2 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The existing structure pre-dates the present Zoning Regulations. The existing roof structure can not comply with the strict requirements of the Zoning Regulations. Full compliance would be unduly restrictive and unreasonable. To allow the proposed roof structures would not materially impair the intent and purpose of the Regulations, nor would it adversely affect the light and air of adjacent buildings. The height of the roof structure would increase by one-story and the two-story addition would further decrease the visibility of the roof structure.

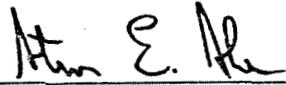
As to the area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner, the Board concludes that the subject site is unique and affected by exceptional circumstances. The structure was constructed prior to the effective date of the current Zoning Regulations. The landmark status and the historic district create unique and exceptional circumstances for the subject structure. The Board concludes that it would be impractical, unreasonable and would impose difficulty on the applicant to require a loading berth. The existing alley system is inadequate to provide maneuvering space for large vehicles. The Board notes that a loading berth is required only because the addition exceeds the minimum requirement of Sub-section 7302.1 by approximately 2,850 square feet.

The Board further 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. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Walter B. Lewis, Douglas J. Patton, Carrie L. Thornhill and Charles R. Norris to GRANT; William F. McIntosh 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: \_\_\_\_\_

SEP 20 1983

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13977order/KATHY9