

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14190, of 1100 Eighteenth Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow construction of a roof structure which does not meet the normal setback requirements of Paragraph 5201.24 and for a variance from Sub-section 5303.5 to allow a closed court in lieu of a rear yard, such court not meeting the required width for a proposed office, retail and parking garage building in a C-4 District at the premises 1801 L Street, N.W., (Square 140, Lot 872).

Application No. 14191, of 1100 Eighteenth Street Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow construction of a roof structure which does not meet the normal setback requirements of Paragraph 5201.24 for a proposed office, retail and parking garage building in a C-4 District at the premises 1811 L Street, N.W., (Square 140, Lot 873).

HEARING DATE: October 17, 1984
DECISION DATE: November 7, 1984

FINDINGS OF FACT:

1. The subject applications were heard together. There is a common applicant. The sites are adjacent to each other. Some of the same relief is requested in both applications. The applications are consolidated for the purpose of this Order.

2. By BZA Order No. 13187, dated June 18, 1980, referencing premises 1801 L Street, N.W., now included in Application No. 14190, and by BZA Order No. 13124, dated June 18, 1980, referencing premises 1811 L Street, N.W., now included in Application No. 14191, the Board granted the same relief to the same applicant for the same site as requested in the subject applications.

3. The applicant did not obtain a building permit within the six months time prescribed and the Orders of the Board were no longer effective. An excess of available office space in the District of Columbia, higher interest rates and general economic conditions influenced the applicant not to go forward with its plans. Financing is now

confirmed and the applicant plans to proceed with the development of the sites.

4. The Board incorporates by reference all of the Findings of Fact and Conclusions of Law contained in Order Nos. 13187 and 13124, copies of which are attached.

5. The Office of Planning, by report dated October 10, 1984, recommended approval of the subject applications. The Office of Planning reported that the facts have not changed since the Office of Planning report prepared on the prior applications.

6. There was no opposition to the application. Two property owners appeared at the public hearing and sought clarification on certain issues of concern to them.

7. There was no report from Advisory Neighborhood Commission 2B in the subject applications.

8. At the public hearing, the applicant's architect requested the flexibility to make minor modifications to the plans in two respects, the material of the building and the fire separation between the two buildings. A final decision had not been made on the building material. The architect is also meeting with the Fire Department to determine exactly what type of separating wall is required between the two structures. The Board finds that the requested modifications are minor and do not in any way affect the special exception relief which is the subject of this application. The Board will grant the flexibility request in its decision.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the Findings of Fact and the Conclusions of Law set forth in Orders Nos. 13187 and 13124, dated June 18, 1980, are still valid, except as modified herein, and are applicable to the subject applications. Accordingly, it is ORDERED that the subject applications are GRANTED. The buildings shall be constructed in accordance with the plans filed in the records except as expressly modified in Finding of Fact No. 8 as to flexibility on the material of the buildings and the fire separation between the two buildings.

VOTE: 5-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh, Douglas J. Patton and Carrie L. Thornhill to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

13 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.

14190&14191order/LJPA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13124 of 1100 Eighteenth Street Associates, pursuant to Sub-section 3207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow construction of a roof structure which does not meet the normal setback requirements of Paragraph 5201.24 for a proposed office, retail and parking garage building in a C-4 District at the premises 1811 L Street, N.W., (Square 140, Lot 873).

HEARING DATE: January 17, 1980 and March 12, 1980
DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject application was scheduled for the Public Hearing of January 16, 1980. At the Public Hearing the Dupont Circle Citizens Association and an adjacent property owner raised objection to the hearing of the application on the procedural grounds that the application was not advertised in the name of the owner but a lessee and that since the proposed roof structure would be placed on the property line the owner of the abutting lot who plans to construct a similar structure as the subject one should have submitted a waiver as to the possible harm he might incur if the proposed roof structure were permitted. The Chair ruled that since the applicant held a ninety year lease and that in all respects he was in fact the true owner of the proposed improvement the applicant lessee was the proper party to process the application. As to the second objection the chair ruled that it was premature since the evidence had not yet been presented. In addition, since an application no. 13187 had been filed on the abutting property the Board determined that both applications should be heard simultaneously.

2. The subject property is located on the north side of L Street between 18th and 19th Streets, N.W., and is known as 1811 L Street, N.W. It is in a C-4 District.

3. The subject lot 873 is approximately 5,320 square feet in area. It is an interior lot with a street frontage on L Street of fifty feet. The subject property is intended to be developed with an adjacent companion building known as 1801 L Street, N.W. The companion building on lot 872 is the subject of BZA application no. 13187. Both applications were heard by the Board at the same time. Both lots are improved with a six story parking garage which is to be demolished.

4. In both applications it is proposed to construct a ten story office, retail and parking garage building.

5. Adjacent to the site on the west is a two story structure which houses two restaurants. This structure is adjoined by a ten story hotel. North of the subject property along 18th Street, are a group of smaller structures which house a number of retail shops, restaurants, and service establishments. Most of these are housed in converted row structures. There are also a number of restaurants to the rear of the site and other establishments which are housed in one and two story structures. This section of the city has undergone significant development in the past ten to fifteen years. Ten and twelve story commercial buildings have in large part replaced the row structures, parking lots and auto dealerships which formerly populated the area. Nineteenth Street, at this location, forms the western boundard of the C-4 district. West of 19th Street C-3-B zoning is in place.

6. Lots 872 and 873 are held in different ownership but each is under a longterm lease by the applicant.

7. The applicant requests a special exception to allow construction of a roof structure which does not meet the strict setback requirements of paragraph 5201.24. Under that paragraph the roof structure is required to be setback 18.5 feet from the lot line. The applicant proposes to construct the roof structure against the east property line.

8. In all other respects the roof structure strictly complies to all other C-4 Zoning Regulations. The penthouse is enclosed in a single enclosure and contains a stairway, mechanical equipment including cooling tower, water pumps, fans and water heater, and elevator override. The material of roof structure blends harmoniously with the facade of the main building.

9. The subject lot is fifty feet wide. If the applicant complied with the setback requirements of the Zoning Regulations it would leave the applicant thirteen feet of space in which to locate all the equipment. The necessary width of the penthouse structure is thirty-one feet.

10. Due to the narrow width of the building the placement of the elevator core in any place other than against a property line would render useless the floor area on either side, impairing the functional arrangement of the space within the building and creating operating difficulties.

11. The subject property and its relationship to the surrounding property makes it a practical requirement to join the elevator cores of the two buildings. If the two were to be required strictly to meet the regulations, the functional space would be impaired for both buildings.

12. As an interior lot, the subject property will not have a roof structure on a property line abutting a street or alley. The roof structure will be an interior penthouse not visible except from elevated or distant viewpoints. When built with the adjoining penthouse, the penthouse will be less visible and more compact than having separate structures on the roof of each of the buildings. The effect created will be a single roof structure which straddles the two proposed office buildings.

13. The Office of Planning and Development by report dated February 13, 1980 considered the subject application and application No. 13187 simultaneously. The OPD recommended that both applications be approved. The Office of Planning and Development noted that in these cases because of the nature of the ownership of this site and the long term lease agreements, one building will be constructed on each lot. Both buildings will however, appear as one from the exterior. The roof structures will be architecturally coordinated and also appear as one from the exterior. The combined structure will be centered over the two buildings overlapping both lots. The need for the relief from the roof structure setback requirements arises from the fact that technically these are two buildings, which should have separate roof structures and each enclosing wall should be setback from all property lines. It was OPD's opinion that combining the roof structure into one enclosure is consistent with the intent and purpose of Section 3308 of the Zoning Regulations which encourages roof structures to be in one enclosure. The Board so finds.

14. The Dupont Circle Citizens Association objected to the application on the grounds that it would object to any penthouse being on a property line and that the builder had not given serious consideration to any energy utilization program. The Board finds that it is sufficient for the applicant to address itself to the requirements of the sections of the Zoning Regulations under which it seeks relief. The energy utilization program is not a proper issue before this Board in this application.

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

16. There was a letter on file from a neighboring property owner in support of the application.

17. The applicant submitted a letter to the record evidencing that the American Arbitration Association had determined that the subject long-term lessee had a right to process the application before the BZA under the terms and conditions of its ground lease.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13187 of 1100 Eighteenth Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow construction of a roof structure which does not meet the normal setback requirements of Paragraph 5201.24 and for a variance from Sub-section 5303.5 to allow a closed court in lieu of a rear yard, such court not meeting the required width for a proposed office, retail and parking garage building in a C-4 District at the premises 1801 L Street, N.W. (Square 140, Lot 872).

HEARING DATE: March 12, 1980
DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject property is located on the northwest corner of the intersection of L and 18th Streets, N. W. and is known as 1801 L Street, N. W. It is in a C-4 District.
2. The subject property is a corner lot of irregular shape which is intended to be developed with an adjacent companion building to be known as 1811 L Street, Northwest. The companion building is the subject of BZA Application No. 13124 and is on lot 873. The hearings on both applications were held on the same day.
3. Both lots are improved with a six story parking garage which is to be demolished. Lots 872 and 873 are held on different ownership but each lot is under a long term lease by the same applicant. In both applications it is proposed to construct a ten story office, retail and parking garage building.
4. Adjacent to the combined sites on the west is a two story structure which houses two restaurants. This structure is adjoined by a ten story hotel. North of the subject property along 18th Street, are a group of smaller structures which house a number of retail shops, restaurants, and service establishments. Most of these are housed in converted row structure. There are also a number of restaurants to the rear of the site and other establishments which are housed in one and two story structures. This section of the city has undergone significant development in the past ten to fifteen years. Ten and twelve story commercial buildings have in large part replaced the row structures, parking lots and auto dealerships which formerly populated the area.

Nineteenth Street, at this location, forms the western boundary of the C-4 district. West of 19th Street C-3-B zoning is in place.

5. The applicant requests a special exception to allow construction of a roof structure which does not meet the strict setback requirements of paragraph 5201.24. Under that paragraph the roof structure is required to be setback 18.5 feet from the lot line. The applicant proposes to construct the roof structure against the west property line.

6. In all other respects the roof structure strictly complies to all other C-4 Zoning Regulations. The penthouse is enclosed in a single enclosure and contains stairway, mechanical equipment including cooling tower, water pumps, fans and water heater, and elevator override. The material of the roof structure blends harmoniously with the facade of the main building.

7. Strict compliance with the setback requirements would require that the lobby be put in the center of the building, thus chopping up the available commercial space and creating operating difficulties.

8. The subject property and its relationship to the surrounding property, make it a practical and economic requirement to join the elevator cores of the two buildings. If the two were to be required strictly to meet the regulations, the functional space would be impaired for both buildings.

9. The subject property will not have a roof structure on a property line abutting a street or alley. Rather, the roof structure will be an interior penthouse not visible except from elevated or distant viewpoints. When built with the adjoining penthouse, the penthouse will be less visible and more compact than having separate nodules on each of the buildings. The effect created will be a single roof structure which straddles the two proposed office buildings.

10. The requested variance relief from the closed court width requirements of paragraph 5303.5 is necessary due to the irregular shape of the lot. There is a jog in the rear portion of the lot which has the effect of removing a five foot by twelve foot corner of the lot. Accordingly, the width of the closed court is reduced from twenty feet in width to only fifteen feet in width for a distance of twelve feet at the rear lot line.

Were it not for the jog in the lot, the closed court would measure twenty feet in width at all points and no variance would be required. The area of the closed court provided is greater than that required by the Zoning Regulations.

11. The "missing corner" of the lot is devoted to public alley use. Thus, even though the width of the closed court is less than that required by the Zoning Regulations, the same amount of open space is provided.

12. The light and ventilation of the adjacent buildings will not be affected.

13. The Office of Planning and Development by report dated February 13, 1980 considered Application Nos. 13187 and 13124 simultaneously. The OPD recommended that both applications be approved. The Office of Planning and Development noted that in these cases because of the nature of the ownership of this site and the long term lease agreements, one building will be constructed on each lot. Both buildings will however, appear as one from the exterior. The roof structures will be architecturally coordinated and also appear as one from the exterior. The combined structure will be centered over the two buildings, overlapping both lots. The need for the relief from the roof structure setback requirements arises from the fact that technically these are two buildings, which should have separate roof structures and each enclosing wall should be setback from all property lines. It was OPD's opinion that combining the roof structure into one enclosure is consistent with the intent and purpose of Section 3308 of the Zoning Regulations which encourages roof structures to be in one enclosure.

As to the variance requested the OPD reported that it results from the short portion of the alley to the rear of the property which extends into the site approximately five feet. As a result the lot is rectangular except for the five foot by fifteen foot piece at the northwest corner of Lot 872. It is that portion of the closed court adjacent to the small extension of the alley which is non-conforming. The Office of Planning and Development did not believe that the redesign of the court to conform to the requirements of Section 5303.5 of the Zoning Regulations is warranted in this case. The OPD did not believe that the grant of this variance will result in any adverse impacts on nearby or adjoining properties nor will it affect the use of this building. The Board so finds.

14. The Dupont Circle Citizens Association objected to the application on the grounds that it would object to any penthouse being on a property line and that the builder had not given serious consideration to any energy utilization program. The Board finds that it is sufficient if the applicant addresses itself to the requirements of the sections of the Zoning Regulations under which it seeks relief. The energy utilization program is not a proper issue before this Board in this application.

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

16. There was a letter on file from a neighboring property owner in support of the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a special exception and a variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Sub-section 3308.2 of the Zoning Regulations. The Board concludes that because of operating difficulties and the lot's relationship to surrounding properties, full compliance with the setback requirements would be unduly restrictive and unreasonable. The Board further concludes that the special exception can be granted as in harmony with the intent and purpose of the Zoning Regulations and that it will not affect adversely the use of neighboring property.

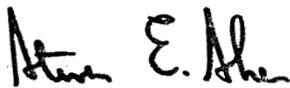
As to the variance, the Board concludes that this is an area variance the granting of which requires a showing of a practical difficulty upon the owner of the property which is inherent in the property itself. The Board concludes that the irregular shape of the lot creates such a practical difficulty. 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 in its entirety.

Application No. 13187
Page 5

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune to grant, Theodore F. Mariani to grant by proxy, Leonard L. McCants 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: 18 JUN 1980

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.

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