

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14443, of Lombardy Tower Apartment Hotel, as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the floor area ratio requirements (Paragraph 7105.12); the FAR requirements (Sub-section 5301.1 and Paragraph 7105.12) and the open court width requirements (Sub-section 5305.1 and Paragraph 7105.12) to construct a one story addition to enlarge an existing kitchen of a hotel in a C-3-C District at premises 2019 Eye Street, N.W., (Square 78, Lot 824).

HEARING DATE: June 25, 1986
DECISION DATE: June 25, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of I Street, N.W. between 20th and 21st Streets in a C-3-C District and is known as 2019 I Street, N.W.

2. The site is presently improved with a ten story hotel constructed in 1929. The certificates of occupancy for the building provide for its use as a hotel with 120 units and for the operation of a restaurant known as the Lombardy Cafe on the first floor of the premises. The use of the subject property as a hotel and restaurant is a permitted use in the C-3-C District.

2. The building contains approximately 77,292.9 square feet of gross floor area. The permitted FAR of 6.5 would allow 70,694 square feet of gross floor area; therefore, the building is a nonconforming structure.

4. The applicant proposes to construct an addition to the rear portion of the building that would be 22 feet in length and consist of approximately 250 square feet of gross floor area. As originally proposed, the addition was approximately 16 feet in length and contained approximately 196 square feet of gross floor area. The original plans were revised subsequent to discussion with representatives of the Arts Club of Washington, the neighboring property owner to the east, to place all condensation and ventilation equipment within the proposed addition and not on the roof. The revised plans were filed to weeks in advance of the public hearing and the amended application was heard by the Board at the public hearing.

5. The subject site fronts on Pennsylvania Avenue except for a small triangular park to the south. The Red Lion Row development across Pennsylvania Avenue is directly south of the subject property. The Arts Club of Washington abuts the property to the east. It is a four story structure with a deep and wide patio enclosed by a brick fence. The area is characterized by highrise office buildings with restaurants and retail activities at the street level. An alley, that runs east/west, abutts the property to the south. This alley can only be accessed from 21st Street.

6. The current kitchen facility is undersized and inadequate to meet the modern needs of the hotel. The hotel, is unable to compete with similarly sized hotels. Currently, the hotel is unable to offer certain amenities such as room service and a varied menu because of the inadequacy of the existing kitchen. The existing kitchen is poorly ventilated and ill-equipped due to space constraints.

7. The applicant explored several possibilities for an internal expansion of the existing condition. All of these proved to be impractical. An internal expansion of the kitchen to the south, toward the front of the building, would result in the loss of the existing bar and serving area and reduction in the seating capacity from 32 to 18 seats. Because the seating capacity is already highly limited and the definition section of the Zoning Regulations required that hotels have dining rooms accommodating simultaneously not less than 30 people. This option proved unacceptable.

8. The existence of the eleven-story stairwell and emergency exit as well as the elevator shafts that lie to the west of the kitchen prohibit expansion toward the center of the building. The lobby area that lies to the west of the existing seating area would also be an unsuitable area for expansion because the lobby level is separated from the restaurant level by six steps. Not only would internal expansion be structurally impracticable and prohibitively expensive but it would result in a kitchen with an inefficient configuration.

9. The proposed addition will not be visible from Eye Street and will occupy a minimal amount of space in the rear portion of the site which abuts an alley.

10. The addition will have no impact on the trash and loading system that is currently used. Loading and trash removal will be at the rear portion of the site and trucks will continue to use the abutting alley for ingress and egress. The alley is 30 feet wide and is adequate to accommodate delivery trucks.

11. All condensation and ventilation equipment for the proposed kitchen addition will be located within the confines of the addition so as to minimize the noise impact on the

adjacent property. The equipment proposed to be on the roof is the air conditioning equipment to serve the kitchen.

12. The parking needs of the hotel will continue to be served pursuant to an arrangement with the commercial facilities in the immediate area. The proposed addition does not require any additional parking for the hotel.

13. To the east of the premises is the Washington Arts Club. There will be no adverse impact in terms of light and air on that adjacent property because the wall to the immediate east of the proposed kitchen addition rises to a greater height than would be the height of the proposed addition. There are no windows on that wall.

14. The applicant is also requesting a variance from the open court width requirements. The Zoning Regulations require a 12 foot width. The applicant is providing 4 feet. The location of the emergency exit at the rear of the building precludes compliance with the court requirements.

15. By report, dated June 19, 1986, the Office of Planning (OP) recommended approval of the application. The Office of Planning was of the opinion that the non-conforming aspect of the building would require variance relief for any addition regardless of size. The OP also reported the internal configuration of the existing buildings precluded an internal expansion. The OP noted that due to the fact that the addition is small it will not increase the intensity of use. The Board concurs with the findings and recommendation of the Office of Planning.

16. The report of Advisory Neighborhood Commission (ANC) 2A was untimely filed and not made part of the record.

17. By letter dated June 8, 1986, the Arts Clubs of Washington, the adjacent property owner to the east, stated that it had no objection to the proposed expansion of the kitchen facility.

18. No parties appeared at the public hearing in opposition to the application. Further, no letters in opposition were filed with the Board of Zoning Adjustment in this case.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking area variances, pursuant to Paragraph 8207.11 of the Zoning Regulations, from the prohibition against allowing an addition to a non-conforming structure now exceeding the floor area requirements (Paragraph 7105.12); the floor area requirements (Sub-section 5301.1 and Paragraph 7105.12) and the open court width requirements (Sub-section

5305.1 and Paragraph 7105.12), to construct a one-story addition to enlarge an existing kitchen at a hotel.

Under Paragraph 8207.11 the Board has the power to grant an area variance if the strict application of any regulation would result in practical difficulties to the owner provided that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The practical difficulty to the owner is that the building is an existing non-conforming structure. The building was constructed in 1929. When the current Zoning Regulations took effect in 1958 the floor area ratio requirements of the hotel exceeded the new regulations. Any addition would require a variance. The only expansion that is feasible is to the rear. Other possible expansion avenues are precluded because the hotel does not own the property to the east or a significant part of the restaurant would have to be eliminated or the cost would be too great.

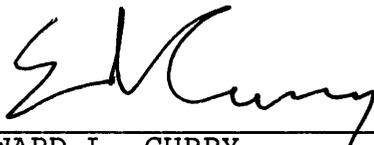
The Board further concludes that the requested relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Since the addition will be located at the rear of the building, there will be no visibility from the street frontage. The addition will not affect current trash removal or loading procedures. The addition will not have an adverse impact in terms of light on the neighboring building since the neighbors wall to the immediate east of the proposed kitchen rises to a greater height than the height of the proposed addition. Furthermore, there are no windows on that wall. In addition, there will be no adverse impact of noise and odor because the ventilation and condensation equipment will be located inside the kitchen addition.

The Board so ORDERS that the application be GRANTED SUBJECT to the CONDITION that the construction shall be in accordance with the plans marked as Exhibit No. 21A, of the record.

VOTE: 5-0 (Lindsley Williams, Paul L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 10 1986

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.

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