

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14520, of Greycoat Colorado D.C., Limited Partnership, as amended, pursuant to Paragraph 8207.11 and 8207.2 of the Zoning Regulations, for variances from the width of open court, closed court and closed court area requirements and the closed court area requirements of Paragraph 5305.1; and special exception relief under Sub-section 3308.2 to allow a penthouse which does not meet the setback requirements of Paragraph 5201.24 of the Zoning Regulations, to permit a two-story addition to an existing building in the C-4 District at the premises 1341 G Street, N.W., (Square 252, Lot 60).

HEARING DATE: December 17, 1986  
DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. As a preliminary matter, the applicant requested that its request for relief from the roof structure setback requirement be considered at the public hearing. The applicant obtained a confirmation from the Office of the Zoning Administrator that roof structure setback relief was required in the nature of a variance. Accordingly, the applicant filed an amended application with the BZA. However, the case was never advertised as such. Subsequent to this, it became clear that roof structure relief should be considered as a special exception rather than as a variance. The Board ruled that special exception relief for the roof structure would be considered at the public hearing.

2. The site, known as premises 1341 G Street, N.W., is located at the northeast corner of the intersection of G and 14th Street's N.W. The site is located in a C-4 District.

3. The site contains 13,328 square feet of land area and is presently improved with a Category III historic landmark known as the Colorado Building. The Colorado Building was designed in 1902 by Ralph S. Townsend, a prominent New York architect. The structure is a nine-story brick commercial building in a richly ornamented Beaux-Arts style. The building is located in the downtown retail core, and is surrounded by multi-story commercial office structures. The C-4 District extends in all directions from the site.

4. The building is generally configured in a U-shape, with the base of the U along the G Street frontage. The

applicant proposes to totally renovate the structure for office use and to bring the historic building into compliance with the Building Code and modern office building operational standards. As part of this renovation, the applicant proposes to construct a new two-story addition to the top of the existing building.

5. Pursuant to Paragraph 8207.11 and Sub-section 8207.2, the applicant is seeking variances and a special exception to allow the proposed addition which will not meet the strict court width, court area and roof structure setback requirements of the Zoning Regulations.

6. The open court on the east side of the building is currently 9.5 feet and its required width under the Zoning Regulations is 26.5 feet. The width of the open court will not be changed from the width that currently exists. Because the proposed height of the court is increasing with the two-story addition, and the width of court is dictated by height, the required width under Section 5305.1 has increased.

7. The applicant could eliminate the need for a court variance by filling in the existing open court completely or placing a cover over the court at the roof level which would result in the necessity of an FAR variance. The open court cannot be widened an additional 23 feet, because to do so would require the demolition of original walls, which would necessitate approval by the Historic Preservation Review Board.

8. The landmark building has exterior walls which are load bearing. If the load bearing wall could be removed without allowing the building to collapse, and the wall were rebuilt to result in a conforming open court, this would result in the total elimination of all functional use of the east side of the building, and the resulting interior configuration on the east side would be that of a corridor only, with no usable office space.

9. The width of the closed court in the center of the building will not be changed from the width that currently exists. Because the height of the court is increasing with the proposed addition, the required width under Section 5305.1 has increased.

10. To move the load bearing walls which surround the closed court would require their demolition. The footings of the building are in line with the existing walls, and to move the walls would require a new footing system for support. The costs of such a major undertaking would be prohibitive, and would not justify the renovations which are being proposed by the applicant.

11. The area of the closed court cannot be increased further because to do so would necessitate either a relocation of the existing walls or a relocation of the new HVAC

system which has been designed to fit into the new construction on the north side of the building. A relocation of the HVAC system would cause a severe problem with the relocation of the proposed supporting columns in the building. The area of the closed court can also not be expanded to the south due to the location of the core of the building. The core was redesigned to include a third elevator for handicapped access which is required under the District of Columbia Building Code. Additionally, the applicant proposes to preserve an original staircase and elevator lobby which cannot be saved if the area of the closed court is increased.

12. The newly enacted language of Section 5201.24 of the Zoning Regulations requires a roof structure to be setback from all exterior walls of a building a distance at least equal to its height above the roof upon which it is located. The applicant proposes to build a new mechanical penthouse which would require a setback of 15 feet from the wall of the closed court and 15 feet from the exterior wall to the east. In order to have a 15 foot setback from these two exterior walls and still accommodate the necessary rooftop functions in the roof structure, there would need to be 37 feet of space where only 22 feet exists.

13. To comply with the setback requirements would necessitate a relocation of the building core, and a configuration roof structure which would be placed towards the front of the building on G Street and 14th Street, where it would be visible from the street. The Board finds that the proposed penthouse is located on the northeast side of the building as one roof structure in order to decrease, to the extent possible, the appearance of a penthouse from street level and to cluster the mechanical equipment in one roof structure rather than two (which would require variance relief).

14. It is functionally important to keep the mechanical equipment together rather than spread out over the top of the building. As designed, the proposed penthouse is 15 feet from the property line and will not interrupt any vistas, nor will it adversely affect the light and air of neighboring buildings. The Board finds that the proposed penthouse is approximately 30 feet from the G Street side of the building where vistas are particularly important. The proposed penthouse is approximately 55 feet from the exterior wall on the 14th Street side.

15. The open court abuts the west wall of the First National Bank building. No other properties would be affected by the requested open court variance. The open court is in the center of the building and abuts no other buildings. The roof structure is located to the greatest extent possible away from view of the public streets. Because of the location and height of the adjacent structures,

the two non-complying sides of the roof structures will not be visible from the street.

16. The Office of Planning (OP) by memorandum dated December 9, 1986, recommended approval of the application. The OP reported that the existing landmark building has load bearing walls on the exterior, and that these load bearing walls preclude the possibility of reconfiguration of the courts to meet the strict requirements of the Zoning Regulations. The OP also reported that the applicant cannot meet the strict setback requirements of the roof structure regulations, because the closed court in the center of the building has exterior walls, which necessitates a setback pursuant to Section 5201.24 of the test under Paragraph 8207.11 of the Zoning Regulations. In testimony at the public hearing, the representative of the Office of Planning stated that he had reviewed the issue of special exception relief for the roof structure, and that in his opinion, special exception relief pursuant to Sub-sections 3308.2 and 8207.2 was justified in this application.

17. Advisory Neighborhood Commission (ANC) 2C submitted no report on the application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The Board further concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 3308.2 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met the burden of proof. Paragraph 5305.1 of the Zoning Regulations requires that the width of the east court with the two story addition would be 32.5 feet wide. The court is now and will remain 9.5 feet wide necessitating a variance of 23 feet or 70.76 percent. The regulations require a width of 25.61 feet for the closed court. The court is now and will remain 20.83 feet wide necessitating a variance of 4.78 feet or 18.66 percent. The regulations also require that the closed court have a minimum area of

approximately 1312 square feet. The closed court contains 705 square feet necessitating a variance of 607.25 square feet or 46.27 percent. Sub-section 3308.2 provides that a special exception may be granted to allow a penthouse which does not meet the setback requirements of Paragraph 5201.24. This paragraph requires that a roof structure be setback from all exterior walls of a building distance at least equal to its height above the roof upon which it is located. The proposed mechanical penthouse would have to be setback 15 feet from the wall of the closed court and 15 feet from the exterior wall to the east. Based upon the evidence and testimony, the Board finds that the requested variances and special exception are essentially technical in nature and will not affect surrounding land uses. The location of the historic structure on the site dictates the design, size and location of the proposed building additions since these additions must be placed and treated so as to complement the existing building.

The Board further concludes that granting the proposed areas of relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and map and it will not affect adversely the use of neighboring property. The proposed addition and resulting variances will create no adverse impacts on neighboring property as the open court abuts the wall of the adjacent commercial building and the closed court is in the center of the building and abuts no other property. In addition, the Board concludes that the placement of the roof structure in the manner proposed will not result in a detriment to the public good. To the contrary, the location as proposed removes the roof structure to the greatest extent possible away from view from the public streets. Because of the location and height of the adjacent structures, the two non-complying sides of the roof structure will not be visible from the street. Nor will the light and air of any adjacent uses be impaired.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 20A of the record.

VOTE: 5-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris, Maybelle T. Bennett 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: FEB 18 1987

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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