

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14573, of Charles Wellons, pursuant to 11 DCMR 3107.2, for variances from the rear yard requirements (Sub-section 774.1), the floor area ratio requirements (Sub-section 771.2), the set back requirements (Paragraph 770.7,b), to allow the proposed roof structure to be set against the west property line, the off-street parking requirements (Sub-section 2101.1), and the size of parking spaces (Sub-section 2115.2) to provide compact car spaces when the required parking spaces is less than 25, to construct a new three-story office building in a CAP/C-2-A District at premises 518 and 520 C Street, N.E., (Square 837, Lots 800 and 801).

HEARING DATE: November 18, 1987, March 18, 1987, and
May 13, 1987

DECISION DATE: November 18, 1987 (Bench Decision)

FINDINGS OF FACT:

1. At the applicant's request the application was continued from the original hearing date in order for the applicant to substantially revise the construction plans in order to accommodate some of the issues raised by opposition to the application.
2. Stanton Development Corporation is the contract purchaser of the site from Charles Wellon, the original applicant, the application is pursued by the Stanton Development Corporation.
3. The site, known as premises 518 and 520 C Street, N.E., is located at the northwest corner of the intersection of 6th and C Streets, N.E. The site is located in a CAP/C-2-A District.
4. The site comprises 4,025 square feet and is rectangular in shape with a frontage of 90 feet along 6th Street and 44.72 feet along C Street. The site is improved with a two-story townhouse and a one-story commercial structure. The townhouse structure was formerly used as a flat and is now vacant. The commercial structure is occupied by offices.

5. The property is bounded: (a) on the north by a residential townhouse at 312 6th Street, N.E.; (b) on the east by 6th Street and across the street a four story renovation project at 600 Maryland Avenue, N.E.; (c) on the south by Greater Mt. Zion Baptist Church which is a massive stone building with an approximately 80 foot tower and Stanton Park; and (d) on the west by a two story commercial structure with an addition of three stories.

6. The applicant proposes to raze the two existing structures at the site and replace them with a three story office building plus basement for which variances as listed above are being requested.

7. The proposed building would contain approximately 15,428 square feet of gross floor area and have a height of 50 feet.

8. Parking spaces, comprising 1,800 square feet, will be enclosed on the first floor of the building. A total of nine parking spaces, five compact and four stacked spaces will be provided. Five of the spaces are considered legal spaces per the Zoning Regulations. The site has an inadequate area to provide an egress ramp for below grade parking. Proposed parking spaces were eliminated on the first floor to provide additional office space at the corner of 6th and C Streets at the request of the neighbors.

9. A traffic study prepared by the applicant's traffic expert concluded that the parking spaces provided will adequately service the building and will have no adverse impact on the neighborhood and that stacked parking has proven to be a viable alternative given the limited size of the site. The Board concurs.

10. The structure will consist of a full basement with a perimeter area way; a ground floor with parking, a main lobby, and some office space; a second floor, and a recessed third floor. The second and third floor will be used for office. The basement will be used for multiple purposes such as a mail room, a storage room or a conference room.

11. The structure will provide no rear yard. The south wall of the adjoining structure at 312 6th Street, N.E. is a party wall designed to abut a structure, such as the one proposed, and it has no windows. The rear addition to the neighboring structure does contain windows and is recessed approximately four feet from the rear wall of the proposed structure.

12. The proposed roof structure for the required fire stairs is located at the western edge of the building providing no setback. The floor plans of the proposed structure indicate that if the fire stairs were setback from

the property line the shaft of the entire core would have to be shifted inward making the building unfeasible to construct. The fire stairs furthest away from the front of the building is the stair that rises to the top of the roof to minimize its visual impact.

13. The existing structures on the site are not historically or visually significant. The townhouse building has been damaged and is in a deteriorated condition.

14. The design of the proposed structure would be compatible with the area and in keeping with the massing and elevations of the buildings that define the edge of Stanton Park.

15. The proposed structure approximates the elevation and massing of the structure to the east at 600 Maryland Avenue., N.E. and it also matches the two-story elevation of the adjacent structure to the west by its scaling back on the third floor.

16. The site is located within the Capitol Hill Historic District and faces Stanton Park. The site is also within an area designated as a Category III Landmark Place which is categorized as a place of value which contributes to the cultural heritage or visual beauty and interest of the District of Columbia and environs, and which should be preserved or restored, if practicable. The proposed project was presented before the Historic Preservation Review Board and has received approval in concept.

17. All new construction at the site must meet the requirements of the D.C. BOCA Code, Fire Code and handicapped code. The applicant's representative argued that it would be physically and economically prohibitive to build the property with the strict application of the Zoning Regulations. Handicap, fire and other building codes require that 34 percent of the structure be devoted to core area. Typically, core area should constitute ten to 20 percent of the total gross floor area. The Board concurs.

18. By memorandum dated March 11, 1987, the Office of Planning (OP) reported that it recommended denial of the application as the applicant does not have a practical difficulty or hardship by virtue of the physical features of the site that the application is comparable to a zone change and that the site could be developed within the framework of the Zoning Regulations.

19. By memorandum dated April 29, 1987, the Architect of the Capitol reported that he concurred with the analysis and recommendation of the OP. The Board does not concur for reasons given in the Conclusions of Law below.

20. By letter dated November 6, 1987, Advisory Neighborhood Commission (ANC) 6A reported that it voted to support the application as it is a suitable development for the site and had significant community support.

21. By letters and/or testimony at the public hearing the Capitol Hill Restoration Society (CHRS) and the Stanton Park Neighborhood Association (SPNA) reported their respective decisions not to oppose and decision to support the application provided that a condition is imposed to require the applicants to lease an additional six spaces within 800 feet of the property. The SPNA found the design entirely satisfactory. The CHRS is of the opinion that the applicants have done as much as is feasible to scale down the bulk of the project while retaining a viable commercial development. The Board concurs but finds that it may not condition an area variance to provide off site parking as suggested.

22. The Capitol Hill Association of Merchants & Professionals recommended approval of the application.

23. Many neighbors of the site submitted letters and/or a petition to the record or testified in support of the application. The neighbors stated that the project will enhance the park and complete the third corner of the park with a building that is appropriate in bulk and height to the existing church and building at 6th and C Streets. The design of the proposed structure was praised. Several neighbors suggested that retail space be provided on the ground floor.

24. Three businesses and a resident of the area submitted letters to the record in opposition to the application stating that parking for commercial uses in the area was already scarce and the building would be "oversized". The Board does not concur.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, 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, purpose and integrity of the zone plan.

Under Sub-section 774.1 of the Zoning Regulations, commercial structures in a C-2-A District are required to

maintain a rear yard of at least 15 feet in depth. The proposed construction would eliminate any such setback. However, the proposed structure would not have an adverse effect on light and air to the adjoining property (312 6th Street N.E.). The south wall of the adjoining structure is a party wall designed to abut a future structure such as the one proposed and, therefore, has no windows. There is a rear addition to this structure which is recessed approximately four feet from the rear wall of the proposed structure. It has windows and because of the four foot recession, the proposed structure will not impair the flow of light or air to the townhouse at 312 6th Street.

Under the Zoning Regulations, the maximum floor area for commercial uses in a C-2-A District is 1.5. The maximum allowable gross floor area of commercial space is thus 6,037.2 square feet. Under the plans, the improvements would contain 11,906.40 square feet of gross floor area with 1,800 square feet devoted to parking on the first floor. Any new construction on the site must comply with the requirements of the BOCA Code, Fire code, handicapped code and historic district guidelines. It is not economically feasible or physically desirable to comply with these code requirements on a site as small as this one. The location of the proposed structure on a prominent corner is an unusual condition. The location of the property in the Historic District is significant, particularly since the corner functions as one of the prominent corners of Stanton Park and one of the "gateways" to Capitol Hill. The proposed structure approximates the elevation and massing of the structure to the east (600 Maryland Avenue, N.E.) and it also matches the two story elevation of the adjacent structure to the west by its "scaling back" on the third floor.

Under the Zoning Regulations Sub-section 2101.1 and 2115.2, the Applicant is required to provide 21 off-street parking spaces. The proposed structure will provide for five compact spaces and four stacked spaces for a total of nine spaces which only five are considered legal spaces. The size and configuration of the property precludes a below grade parking garage. There is inadequate area to provide an egress ramp for below grade parking. The Board concludes that the proposed stacked parking will adequately serve the structure and the additional parking generated by the structure will have a negligible impact on the surrounding area. The Board notes that additional parking was eliminated to accommodate office on the first floor as requested.

The roof structure will be located at the edge of the structure while Section 770.7(b) requires that it be set back nine feet from the edge. If the stair tower met the requirements of the Zoning Regulations, the structure would be infeasible to build.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

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. 67 of the record.

VOTE: 4-1 (Patricia N. Mathews, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant and William F. McIntosh opposed).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "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.

14573order/BJW27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14573

As Executive Director of the Board of Zoning Adjustment I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAR 21 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Ernest Postell, Chairperson
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Maury Elementary School
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Robert McClenon
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1119 South Carolina Avenue, S.E.
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EDWARD L. CURRY
Executive Director

DATE: MAR 21 1988

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