

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15163 of Saint James Washington Limited Partnership I, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sub-section 411.11 to allow a roof structure that does not meet the normal setback requirements, a variance from the allowable lot occupancy requirements (Sub-section 403.2), a variance from the floor area ratio requirements (Sub-section 402.4), a variance from the maximum height requirements (Sub-section 400.1), a variance from the open court width requirements (Sub-section 406.1), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the setback requirements for roof structures [Paragraph 400.8(b)] for the proposed construction of an apartment building addition and the conversion of two existing structures into an apartment house in an R-5-D District at premises 2521-2523 K Street, N.W., (Square 15, Lot 802 and 803).

HEARING DATE: October 25, 1989

DECISION DATE: November 1, 1989

DISPOSITION: The Board GRANTED the application by a vote of 4-1 (Paula L. Jewell, Charles R. Norris and William F. McIntosh to grant; Carrie L. Thornhill to grant by proxy; Tersh Boasberg opposed to the motion).

FINAL DATE OF ORDER: July 30, 1990

The Board granted the application by Order dated July 30, 1990. By letter received on August 9, 1990, Maria and Jeffrey Tyler and Dorothy L. Ohliger, requested reconsideration of the Board's decision. The request is mainly based on the assertion that in making its decision, the Board considered economic factors in granting the requested relief for the floor area ratio and height variances. The movants also maintain that erroneous information was presented to the Board at the hearing, that the Board made errors in its findings of fact and that the conclusions of law were improperly reached.

The movants assert that the applicants ultimately plan to demolish the Cooper Houses and that the economic circumstances surrounding this fact were not considered by the Board.

In contrast to the findings made by the Board, the movants assert the following:

1. There will be new saleable area available at the subject site - i.e. the two apartments that will replace the Cooper Houses.
2. The proposed structure will not be similar in height and FAR to other buildings in the area. No building in square 15 has a height of more than 90 feet or a FAR greater than 6.0. The same is true for buildings east, south and southeast of the site.
3. The Office of Planning (OP) misled the Board in describing K Street as a heavily travelled eight lane street. Only the four center lanes have through traffic whereas the side streets are local service roads which are virtually free of vehicular traffic.

The movants maintain that the conclusions of law were based on economic considerations rather than on the findings of fact.

The applicants submitted a letter dated August 20, 1990, in opposition to the request for reconsideration. This letter pointed out that the applicants proposed to disassemble the walls of the historic structures pursuant to a permit by the Mayor's Agent for partial demolition. The buildings would then be reassembled. This process would be more expensive than demolition or retention and renovation alone. Therefore, the inference that the plans would be less costly is inaccurate.

The applicants also indicate that the movants are inaccurate in their characterization of the basis for the Board's decision. The Board's decision is based on non-economic factors.

Finally, the applicants maintain that no new evidence was presented which would supply a basis for reconsideration of the Board's Order. Denial of the motion for reconsideration was therefore requested.

Upon consideration of the motion for reconsideration, the record in the case and the final Order, the Board concludes that it has made no error in deciding the application. The Board concludes that the evidence of record supports the findings of fact. The Board concludes further that the conclusions of law follow rationally from the findings of fact and that the conclusions are not based on economic factors. The Order clearly states that the exceptional conditions which create a hardship for the applicants are the narrowing of the lot at the rear, the location of the neighboring structures at the contiguous property line and the presence of the landmark structures.

The Board remains of the opinion that granting the height and FAR variances will not impair the intent, purpose and integrity of the zone plan.

Finally, the Board concludes that it has made no error in deciding the application pursuant to the criteria for variance relief set forth in 11 DCMR 3107.2. Accordingly, it is ORDERED that the motion for RECONSIDERATION is hereby DENIED.

DECISION DATE: September 5, 1990

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to deny).

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

ATTESTED BY:   
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: SEP 26 1990

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."

15163Order/BHS27

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15163

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated OCT 26 1964 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Geoffrey Tyler  
Maria Tyler  
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Washington, D.C. 20037

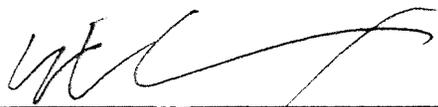
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EDWARD L. CURRY  
Executive Director

DATE: 10/26/64