

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15463 of the Hospital for Sick Children, pursuant to 11 DCMR 3107.2 and 3108.1 for a variance from the percentage of lot occupancy requirements (Sub-section 403.2), a variance from the required size of a parking space (Sub-section 2115.1), and a special exception under Section 400.8(b) to allow a mechanical penthouse that is not setback from all exterior walls a distance at least equal to its height above the roof upon which it is located, for the construction of an addition to an existing hospital in an R-5-A District at premises 1731 Bunker Hill Road, N.E., (Square 4163, Lot 4).

HEARING DATE: February 20, 1991  
DECISION DATE: March 6, 1991

**FINDINGS OF FACT:**

1. The subject property is located on the northeast corner of the intersection of Bunker Hill Road, and 18th Street, N.E. It is known as premises 1731 Bunker Hill Road, N.E. and it is located in an R-5-A District.

2. The boundaries of the site are Bunker Hill Road to the north, 18th Street to the east, Taylor Street to the south, and South Dakota Avenue to the southwest.

3. The subject property is located in the Ward 5 neighborhood of Brookland which is a low density residential community. In addition, the Brookland neighborhood contains large tracts of land that are occupied with educational, religious and medical facilities, including Saint John's Seminary, Howard University School of Divinity, Providence Hospital, Holy Name College and Catholic University. To the west of the site, the 12th Street commercial corridor provides neighborhood-oriented goods and services.

4. The subject site is irregular (pentagonal) in shape and contains approximately 139,847 square feet (3.2 acres) of land area. The lot is improved with two structures - a two-story structure built between 1929 and 1930 (the "1929 Building") and a one-story addition with partial basement, built between 1967 and 1968 (the "1968 Building"). Housed in these structures is the Hospital for Sick Children which occupies approximately 75 percent of Square 4163.

5. The site has been used as a hospital/convalescence home since 1929 when the original building was constructed. It is a 24-hour facility which provides care, therapy and rehabilitation of children who require long-term hospitalization before returning

home. The 1929 Building is currently used exclusively for administrative purposes and limited patient therapy. The 1968 Building houses eighty (80) patient beds. The hospital currently has a staff of 277 employees. There are ten (10) on-site parking spaces available.

6. The hospital's patients are predominantly from low-income families, and that approximately 25 percent are wards of the city. Also, medicaid reimbursements represent between 90 and 95 percent of the hospital's revenues.

7. The Hospital proposes to undertake an expansion/renovation program which will result in the addition of fifty (50) patient beds, new nursing units, interconnected therapy areas, modern administration suites, a parent lounge, a chapel, an underground parking garage, a large conference area available to the community, more efficient storage and supply handling area, and a model "apartment" where parents can practice child care skills under the support and supervision of the hospital's staff.

8. The proposed expansion/renovation program includes the demolition of a portion of the 1929 Building, the construction of a new patient wing (the "new wing"), the remodeling of the 1968 Building, the construction of a two and one-half level underground parking garage to accommodate one hundred thirty-four (134) spaces, and the location of the mechanical penthouse on the roof of the new wing. The new wing will house the existing eighty (80) patient beds (to be transferred from the 1968 Building). The remodeled 1968 Building will house fifty (50) new patient beds. The staff will be expanded by approximately 69 employees for a total of 346 employees.

9. The hospital's expansion/renovation program was delayed by a historic preservation proceeding involving the original 1929 Building. As a result of the recommendation by the Historic Preservation Review Board (HPRB), the 1929 Building was designated as an historic landmark and portions of the 1929 Building must be preserved as part of the expansion/renovation program. This forced the hospital to abandon its original plans and redesign the new wing. The redesign of the new wing, which requires two variances and a special exception, was approved by the HPRB on July 18, 1990.

10. The redesign of the planned expansion/renovation program dictated by the historic preservation proceedings resulted in significant compromises relating to the efficient operation of the hospital facility, including a reduction in the size of the floors in the hospital facility and additional operating costs. The reduction in the size of the floors results in (i) a less efficient layout of patient beds (on two floors instead of one floor), (ii) a ten percent (10%) decrease in the size of patient therapy areas, (iii) a smaller materials handling center, and (iv) the location of

central supplies farther from patients than is desirable. Also, due to the redesign, the garage must be located under the new wing, and the lobby must be located in the 1929 Building. Because of the physical separation of these two areas through which the public will be able to enter the hospital facility, additional security guards will be required. Without the requested variance relief the hospital will be unable to accommodate all of the programs and medical services that are essential to its operation.

11. The applicant is requesting the following relief from the Zoning Regulations:

- a. a variance from the percentage of lot occupancy requirements (Section 403.2);
- b. a variance from the required size of parking spaces (Sub-section 2511.1); and
- c. a special exception to allow a mechanical penhouse that is not setback from all exterior walls a distance at least equal to its height above the roof upon which it is located [Sub-section 400.8(b)].

12. Section 403.2 provides that in an R-5-A District, no structure (other than a church or public school) shall occupy in excess of 40 percent of the lot. The Zoning Regulations allow the structure on the subject site to occupy a maximum of 55,938.8 square feet of the lot. The existing lot coverage is 33,934.37 square feet. An additional lot occupancy of 29,008.0 square feet is proposed for a total lot occupancy of 62,942.37 square feet (45.10%). The total lot occupancy exceeds the allowed lot occupancy by 7,003.57 square feet or 12.52 percent - the amount of the requested variance.

13. As a consequence of the historic landmark designation of the 1929 Building, the structure could not be demolished. Preservation of this historic structure necessitated an alteration of plans. The location of the 1929 Building on the lot creates a practical difficulty for the owner in designing the proposed addition consistent with the lot occupancy provisions of the Zoning Regulations. The applicant indicated that without the lot occupancy variance, the new wing will not be able to accommodate all of the programs and medical services that are essential to the operation of the hospital. In such a case, it would not be feasible for the hospital to proceed with the expansion/renovation program.

14. The applicant stated that although the proposed expansion of the hospital facility will result in an increase in the percentage of lot occupancy to more than forty percent (40%), the increase is minimal and visually insignificant, and will not cause

any detriment to the public good. On the contrary, the public good will be served by granting this variance so that the size of the hospital facility can be increased by fifty 50 additional beds, and operated at an acceptable level of efficiency. The applicant further indicated that the present proposal was devised to be consistent with recommendation of the HPRB, thereby, protecting the city's interest in preservation of the historic structure. The ultimate proposal varies only minimally from the allowable percentage of lot occupancy. Therefore, the requested variance will not impair the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and Maps.

15. Section 2115 of the Zoning Regulations provides that a standard automobile parking space must be a minimum of nine feet (9') in width and nineteen feet (19') in length. Section 2101.1 requires the hospital to provide one (1) parking space for each bed in the facility. The applicant would therefore be required to have 130 on-site parking spaces.

16. The applicant proposes to construct a two and one-half (2 1/2) level parking garage with a total of 134 parking spaces. The number and sizes of the spaces will be as follows:

22	9'x19'	standard sized spaces
5	11'x20'	handicapped spaces
57	8'4"x19'	downsized standard spaces
50	8'x16'	compact car spaces

17. The applicant is requesting a variance from Section 2115 to allow for the creation of non-standard sized parking spaces. The unique conditions which necessitate the variance relief stems from the topography of the lot and the construction limitations imposed by the HPRB. The design of the patient rooms in the hospital facility requires that structural columns supporting the new wing be located in the parking garage approximately twenty-five feet (25') apart. As a result of these columns, the parking spaces between the columns will be slightly smaller than the required 9'x19'. These one foot (1') wide columns are generally arranged in such a manner so as not to interfere with the opening and closing of car doors. As a result of the columns, the fifty-seven (57) of the eighty-four (84) standard parking spaces will be slightly less than the required width of nine feet (9').

18. The hospital is unable to increase the size of each of the parking garage levels because of the location of a hill at the rear of the site. To provide the required number of parking spaces, all of which satisfy the nine foot (9') width requirement, the hospital would have to excavate a full third level in the garage under the new wing. Such additional excavation would work a hardship on the applicant and its ability to proceed with the entire expansion/renovation project at this site.

19. Under Section 400.8(b), the mechanical penthouse must be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located.

20. The height of the hospital's proposed penthouse is approximately twelve feet (12'). The penthouse will meet or exceed the set-back requirements of the Regulations on all sides except for two court niches where the penthouse is flush with the exterior walls for a width of approximately six feet (6') each. The applicant is requesting a special exception to construct the penthouses in this manner. The niches are located on the South Dakota Avenue side and the 18th Street side of the building. They were designed by the historic preservation architect as part of the exterior wall design of the new wing to break up the mass of these two facades. The penthouse is located fifty feet (50') from the property line on the 18th Street side of the lot and seventy feet (70') from the property line on the Taylor Street side of the lot. The applicant testified that both the main structure and penthouse will be of brick construction with some articulation of the brickwork on the base of the building, and a similar but lesser degree of articulation occurring on the penthouse itself. Because the penthouse and main structure will be blended together, it is unlikely that the penthouse will be noticeable to neighboring property owners.

21. By memorandum dated February 13, 1991, the Office of Planning (OP) recommended conditional approval of the application. OP noted that the applicant is proposing to renovate and expand a long-term pediatric facility from 80 beds to 130 beds. The addition of the proposed new wing would enable the facility to provide care for 50 additional patients, expand existing administrative functions and expand the therapy department. Parking would be provided for 134 vehicles on two and one-half levels below grade.

OP noted that the proposal meets the side yard, rear yard and floor area ratio requirements of the Zoning Regulations. OP then set forth the special exception and variance relief requested by the application.

OP indicated that the lot occupancy, existing and proposed, would be 62,942 square feet or 45 percent. The applicant is seeking a variance from the lot occupancy requirement of the Zoning Regulations for 7,004 square feet or 13 percent.

OP pointed out that the applicant is providing more than the required number of parking spaces. The applicant is, however, seeking a variance from the required size of standard parking spaces in the amount of 0.67 feet or 7.4 percent. The compact spaces, which will measure 8'x16', meet the Zoning Regulations requirement.

OP noted that the height of the mechanical penthouse would be 12 feet. It therefore meets the 18.5-foot maximum height requirement. The applicant is, however, seeking zoning relief from the roof structure setback requirement. The exterior walls of the proposed housing for mechanical equipment are required to have setbacks that are a minimum of 12 feet. The Zoning Administrator's computations indicate that the mechanical penthouse would have setbacks that are 22 feet, 26 feet, 0 feet and 48 feet. The applicant stated that the proposed roof structure meets the setback requirement except at two court niches where the mechanical penthouse is flush with the exterior walls.

In the opinion of the Office of Planning, the applicant's practical difficulty results from the irregular shape of the lot which makes it inherently difficult to develop and the building's historic status which prohibits the structure from being enlarged or modified to include the underground parking. In addition, the 1929 Building predates enactment of the Zoning Regulations.

The Office of Planning noted that the residential properties located in the square are in close proximity to the existing 1968 Building. The proposed modification and addition would be constructed at the opposite end of the lot where the site abuts the public right-of-way. Based on these factors, OP is of the view that granting the requested variances will not substantially impair the intent, purpose and integrity of the Zoning Regulations and Maps, and the special exception would be in harmony with the Zoning Regulations and would not tend to affect adversely the use of neighboring properties.

22. By memorandum dated February 19, 1991, the Department of Public Works (DPW) noted that the applicant proposes to increase the staff from 277 to 346 persons. The staff will work in three shifts with no more than 180 staff persons on site at one time. Many of the staff members use public transportation to access the site. DPW also noted that the applicant does not anticipate a large number of visitors to the facility. DPW stated that upon a cursory analysis of the application it concludes that the increase in patient capacity, visitors and staff should not adversely impact the local transportation system.

DPW noted that, in addition to the 134 new parking spaces being provided, the applicant will retain the ten parking spaces presently existing on the site. Because the number of spaces to be provided exceeds the number required, DPW supports the proposal since these spaces will aid in diminishing any adverse impact of the hospital on the local parking supply.

DPW further stated that it has no objection to the non-standard sized parking spaces since they will only affect

maneuvering in the garage.

Currently, access to the hospital is from a one-way eastbound driveway on Bunker Hill Road, N.E. DPW indicated that the applicant proposes to locate the ramp to the sub-grade garage from this driveway. DPW has no objection to this proposal. DPW recommends that the applicant retain the one-way eastbound nature of this driveway and that final coordination of the driveway and garage ramp design be done with the DPW Bureau of Traffic Services.

23. Advisory Neighborhood Commission (ANC) 5A, by letter dated February 11, 1991, expressed opposition to the application because of concerns about the negative impact that the variance from the required size of parking spaces is likely to have on the community. ANC 5A indicated that over 100 vehicles associated with the Hospital for Sick Children currently park on neighborhood streets during the day. The new construction will provide living quarters for families of hospital patients. This will bring large cars into the neighborhood which will remain for considerable portions of the day and conceivably overnight for consecutive days. A reduction in the size of the parking spaces would result in larger vehicles having to park on the streets. This condition will create an intolerable burden on parking in the neighborhood.

At the public hearing, the ANC requested that the record be left open to afford the community another opportunity to meet on the application and to allow the ANC to submit another report. The Board closed the record but gave the ANC until March 1, 1991 to file a new report. By letter dated February 25, 1991, ANC 5A rescinded its letter of February 11, 1991 which opposed the application. By letter dated February 28, 1991, ANC 5A indicated that it now supports the application.

24. By letter dated February 13, 1991 and through testimony at the hearing, the Michigan Park Citizens Association requested that the record be left upon to allow it further opportunity to consult with the community on the application. Alternatively, the Association requested that its opposition to the parking space variance be noted on the record. The Association was concerned that if parking spaces are too small, some drivers of large vehicles will be inconvenienced when attempting to get into and out of their vehicles. They will also experience difficulty maneuvering into and out of parking spaces, particularly at the beginning and end of the workday or shift. To avoid the damage to their vehicles, drivers are likely to park on the street.

The Association noted that there has been a discrepancy about the size and number of parking spaces proposed.

25. Responding to the concerns raised by the Association, the applicant stated that the 8'4"-wide spaces are large enough to

allow for 2 feet 4 inches of space between standard sized cars. The applicant believes that this is enough space to open the car doors and that the difference between the standard and sub-standard spaces is imperceptible to the average driver.

26. The Board accepted into the record a letter dated March 5, 1991 from the Association which indicated that, since the public hearing, the applicant has assured the Association of the size and number of parking spaces to be provided. The applicant also discussed ways of marking the spaces and assigning them to staff to make the proposed arrangement workable. Ultimately, the Michigan Park Citizens Association, by letter dated March 5, 1991, noted that it no longer opposes the application.

27. A neighbor who lives one block from the site testified in support of the variance for the parking spaces. He indicated that the sub-standard spaces result from the placement of the columns in the building. He also noted that ample aisles will be provided behind these parking spaces and the employees who use them regularly will become accustomed to the arrangement of the lot. He agreed with the Board's suggestion that assigning full-sized spaces to visitors would further alleviate problems with parking on the lot.

28. The statement of Councilmember Harry L. Thomas, Sr. supporting the application, was read into the record. He expressed the view that the variances and special exception are warranted given the difficulty of the site and the historic preservation requirement. He also stated that the hospital is a facility of special merit and its renovation and expansion should be facilitated in any reasonable manner.

#### CONCLUSION OF LAW AND OPINION

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is requesting a variance from the lot occupancy requirement, a variance from the required size of parking spaces, and a special exception to allow a roof structure that is not set back from all exterior walls, for construction of an addition to an existing hospital in an R-5-A District. The granting of a variance requires evidence of a practical difficulty upon the owner arising out of some extraordinary or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical condition. The Board further must find that the requested relief 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.

The Board concludes that the applicant has met this burden of

proof.

The Board concludes that the shape and topography of the site and the historic landmark designation of the 1929 Building are unique conditions which create practical difficulties for the owner in developing the property in accordance with the Zoning Regulations.

The Board concludes that the increase in lot occupancy will be minor and will occur on the portion of the property located farthest away from residential properties. Therefore, granting the lot occupancy variance will not be of substantial detriment to the public good and will not substantially impair the intent, purpose or integrity of the zone plan.

The Board concludes that the applicant proposes to provide parking spaces for staff and visitors to the site. Some spaces will be only slightly smaller than required and will be marked to facilitate their use. The Board concludes that the applicant is providing more than the number of spaces required by the Zoning Regulations and that the parking garage with some sub-standard spaces will, nonetheless, relieve the neighborhood of its parking problems. The Board therefore concludes that the variance from the size of parking spaces can be granted without substantial detriment to the public good and without substantial impairment to the intent, purpose or integrity of the zone plan.

The granting of a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met the burden of proof established for the requested special exception.

The Board is of the opinion that construction of the mechanical penthouse at the two niches without a setback equal to its height, reduces the bulk of the building and makes it less visually obtrusive. The Board concludes, therefore, that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property.

The Board concludes that it has afforded ANC 5A the "great weight to which it is entitled. Accordingly, it is **ORDERED** that the application is **GRANTED SUBJECT** to the following **CONDITIONS**:

1. The applicant shall retain ten at-grade parking spaces.
2. The parking garage layout shall be as shown on the site plan marked as Exhibit No. 21G of the record.

3. Landscaping shall be in accordance with the plan marked as Exhibit No. 29 of the record.
4. Visitor parking shall be assigned to full-sized parking spaces.

VOTE: 3-0 (Charles R. Norris, John G. Parsons and Paula L. Jewell to grant; Sheri M. Pruitt and Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

APR 22 1991

APR 22 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 15463**

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 22 1991 a copy of the order entered on that date in this matter was 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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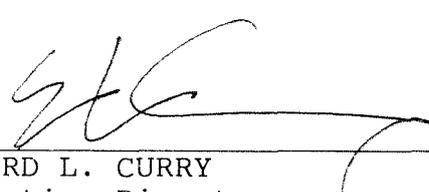
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\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

DATE: \_\_\_\_\_

15463Att/bhs