

PUBLIC HEARING—October 21, 1964

Appeal #7971 Julian W. McDowell, et al. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on December 1, 1964:

**ORDERED:**

That the appeal to permit erection of office building with a 25% reduction in the amount of required off-street parking at 4201 Connecticut Avenue, N.W., lots 802 and 803, square 2051, be denied without prejudice.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

- (1) This appeal was originally filed under Section 7203.1 of the Zoning Regulations. The Board ruled for policy reasons that it would not grant relief thereunder but would entertain the matter at a subsequent public hearing under variation procedure. Appellant therefore now seeks permission by this method to reduce by 25% the required off-street parking spaces for the proposed office building.
- (2) Appellant's lots, which are located in the C-3-A District, have frontages of 120 feet on Connecticut Avenue and 100 feet on Van Ness Street. There is a 16 foot wide public alley abutting this property on the east. The lots contain an area of approximately 19,365 square feet. The building proposed is five stories in height.
- (3) Due to sub-soil rock conditions a hardship is imposed in constructing underground off-street parking facilities. Because of added cost therefor a substantial practical difficulty and undue hardship is imposed if the application of normal regulations is required.
- (4) Appellant's proposed building requires 97 parking spaces whereas 73 spaces are provided, a deficiency of 24 spaces.
- (5) Appellant shows that to provide the first level of basement parking removal of 3,044 cubic yards of rock at a cost of \$12.00 per cubic yard (estimate of the Roberts E. Latimer, Jr. Inc.) or a total of \$36,528.00 will be required. The usual cost for earth removal approximates 1/12 of the cost of rock removal or \$1.00 per cubic yard. The added cost for the rock removal is \$33,500.00.
- (6) Appellant further shows that in order to provide the 28 additional spaces it will be necessary to excavate a partial second underground garage which involves the removal of 3600 cubic yards of rock at a cost of \$43,200.00, which, under normal construction would involve earth removal cost of \$3,600.00 or a cost differential of \$39,000.00. Appellant also shows that due to this rock formation the first underground garage will cost \$2600.00 per space against \$2,000.00 per space under normal conditions, and in the second underground garage the added cost will amount to \$5,500.00 per space. The erection of two levels of parking will involve an added cost of rock removal of \$73,100.00 for the total cost of the building project which is estimated at \$825,000.00.

(7) The building proposed is designed to provide a total of 8,041.00 square feet of space for retail use on the first floor and approximately 44,944.00 square feet in the four floors for office use. To comply with the regulations it is necessary to excavate an additional cellar which, because of sub-surface rock present on the site, is prohibitively costly.

(8) There was no objection to the granting of this appeal registered at the public hearing. However, the Forest Hills Citizens Association protested the granting of the appeal.

OPINION

The Board is of the opinion that relief under Section 7203.1 is not in the public interest, is contrary to policy and will tend to create a dangerous precedent.

The appeal as amended is denied without prejudice against further consideration by way of variation on the grounds that appellant has failed to relate a measurable degree of hardship which can be translated reasonably into understandable terms of either increased building bulk or parking reduction, the latter of which is undesirable and inconsistent with the ruling made under Section 7203.1.