

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8883 Norman Bernstein, et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on August 31, 1966.

EFFECTIVE DATE OF ORDER -- Dec. 16, 1966

ORDERED:

That the appeal for a variance from the FAR requirements of the C-3 District to permit the erection of an office building with an FAR of approximately 7.2 and for approval of roof structures in accordance with the provisions of Section 3308 of the Zoning Regulations at the southwest corner of North Capitol Street and E Street, NW., lot 810, square 630, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) The subject site has an area of 11,000 square feet and has a frontage on North Capitol Street of 100 feet and a frontage on E Street of 110 feet. The property is presently being used as a parking lot.
- (2) Applicants propose to erect an office building consisting of eight (8) floors and a penthouse, with a total actual FAR of approximately 7.2. The total actual floor area will be 80,101.31 square feet. The allowable gross floor area is 71,500 square feet.
- (3) Crossing the subject property is a 44-foot wide sewer structure remaining from the old Tiber sewer. This sewer structure is located approximately 20 feet below the ground surface and runs the full width of the site in a diagonal direction. The vertical dimension of the sewer structure itself is approximately 15 feet.
- (4) The sewer structure will require the use of 50-foot spanned supports. This in turn uses space which ordinarily would be allocated to required parking and thus compels the appellants to use chargeable FAR to meet the parking requirements.

(5) In addition to the sewer structure difficulty, there is a substantial subsoil condition which requires the use of strengthened structures to support the building.

(6) Submitted as Exhibit No. 11 is a cost study prepared by a consulting structural engineering firm, which estimates that the proposed project will cost \$166,000.00 more than a comparable conventional office building without the sewer and subsoil conditions.

(7) Submitted as Exhibit No. 12 is a copy of the test borings for the subject site.

(8) The parking requirements under the Regulations call for 41 parking spaces, and under the proposed plans, 54 parking spaces will be provided.

(9) The proposed penthouse area will contain 2,750 square feet, including a cooling tower, stairs, and an elevator penthouse.

(10) This Board has previously granted relief where similar subsoil and drainage conditions existed.

(11) An examination of the photographs submitted as Exhibit No. 14 reveal that the proposed construction will blend in harmoniously with the surrounding area.

(12) This appeal was filed and heard under plan by Edmund W. Dreyfuss & Assoc., architects, drawings No. 7,9,9,10 and 11, approved as noted by Mr. Arthur P. Davis, member of the Board, on August 29, 1966.

(13) The record shows no opposition to the granting of this appeal.

OPINION:

The Board is of the opinion that the granting of this appeal for a variance and the approval of the roof structures as proposed on the plans submitted to the Board (Exhibit No. 18) is a desirable development for the subject lot. We are satisfied that the applicants have established a hardship within the meaning of Section 8207.11 of the Zoning Regulations. Specifically, we believe that the existence of the 44 foot wide sewer and its diagonal location through the subject site, together with the difficult subsoil conditions, would cause an exceptional and undue hardship on the owner if the Regulations were strictly applied. Additionally, we believe that the relief can be granted without detriment to the public good and without impairing the intent, purpose and integrity of the zoning plan as embodied in the Zoning Regulations and map.