

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9011 Seymour Abendsohn 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 January 27, 1967.

EFFECTIVE DATE OF ORDER -- May 8, 1967

ORDERED:

That the appeal for permission to erect office buildings with roof structures in accordance with Section 3308, 10% reduction in number of off-street parking spaces and a variance from the requirements of Sections 7204 and 7303, or in the alternative permission to locate one parking space in area provided for loading berth at 2011-13 Eye Street, NW., lots 842 and 804, square 78, be granted in part.

FINDINGS OF FACT:

- (1) The subject property is located in a C-3-B District.
- (2) Appellants propose to erect an eight (8) story office building on the site with parking spaces located under the building. The building will be occupied by professional-type tenants; attorneys, accountants, national organizations, etc.
- (3) The subject lot is long and narrow, being 46 feet wide and 140 feet deep and containing 6,251 square feet. The rear lot line is irregular and abuts a 20-foot public alley which provides a turn-around area at the rear of the lots.
- (4) The proposed building will contain approximately 48,119.15 square feet of gross floor area and the Zoning Regulations require that 20 off-street parking spaces be provided. Appellant proposes to provide this off-street parking in one underground parking garage. Eighteen (18) spaces are provided with an additional space being in the loading berth area.

(5) The only place to locate a ramp to serve the level of underground parking is at the rear of the building to the public alley.

(6) Appellants presented evidence at the hearing tending to demonstrate the availability of commercial parking facilities in the neighborhood of the site. According to the calculations presented, there are approximately 2,676 commercial parking spaces available. That number represents 1,096 garage spaces and 580 surface spaces.

(7) It was stated at the hearing that the cost of providing a second level for parking to comply with the Zoning Regulations would be approximately \$57,000. In order to build a second level for parking, a ramp from the first level to the second level would be required. Such a ramp would eliminate 10 parking spaces at the first level. In addition, there would be a loss of space at the second level. By constructing the second level, appellants would be able to provide 9 spaces on the first level and 11 spaces on the second level.

(8) Appellants proposed office building will have a roof structure to house the elevator machine room, stairs, and mechanical equipment.

(9) The area of the proposed roof structure will be 1,526 square feet.

(10) The material and color of the street facade of the proposed building will be precast concrete off-white. The roof structure will be polyurethane or epoxy aggregate applied to concrete block to relate to the color and texture of the front of the building -- off-white.

(11) This appeal was filed and heard under plans by Robert Schwinn, AIA, architect, drawings No. 5,6,7,8, approved as noted by Mr. Arthur P. Davis, member of the Board, on January 6, 1967.

(12) No opposition to the granting of this appeal was registered at the public hearing. The Medical Society of the District of Columbia, 2007 Eye Street, NW., submitted the following by letter dated November 16, 1966 (See Exhibit No. 7):

"The Medical Society would not be against the location of one parking space in the area of the loading berth nor would it be against the 10% reduction in the number of off-street parking spaces, as long as neither of these alternatives encroaches upon the ingress and egress of the alleyway through which deliveries are made to the back ramp of the Medical Society building. It should be noted that in the construction of the new Medical Society building in 1965 it was required that the northwest corner of the proposed building be sacrificed to allow for ample turn-around space and loading room in the alleyway. Therefore, we sacrificed approximately 400 square feet per floor in this area, which was to be used as a loading area."

OPINION:

The Board denies the request for permission to locate a parking space in the area of the loading berth.

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Zoning Regulations. The irregularity of the subject lot and the width of the lot presents practical difficulties which the denial of the requested relief will result in exceptional and undue hardship upon the owner. We conclude that the reduction in the number of parking spaces and the size of the loading dock will not be detrimental to nearby and adjoining property. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that the roof structures of this proposed office building will harmonize with the street frontage of the building in architectural character, material and color. The roof structures are in harmony with the purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of nearby and adjoining property.