

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 13, 1967

Appeal No. 9370-71 Jean Bigar and William and Charles Cohen,
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 September 19, 1968.

ORDERED:

That the appeal for variance from loading berth height requirements of Section 7303.3 to permit loading berth 13 feet in lieu of 14 feet and variance from closed court provisions of Section 5305 to permit 7-story addition to existing building at southwest corner of 11th and F Streets, N.W., lots 810 and 811, Square 321, be partially granted.

FINDINGS OF FACT:

1. The subject property is located in a C-4 District.
2. The property is improved with a 6-story garage structure constructed before May 12, 1958.
3. Presently, the building on the property is without loading berths as none were required at the time of erection of the building.
4. There is a closed court in the garage structure which houses the ramps serving the six-story structure. The top of the last ramp is at elevation 51.94 feet.
5. It is proposed to erect a 7-story addition to the existing structure providing three (3) loading berths at a height of ten (10) feet each. The proposed addition contains 132,135.6 square feet of gross floor area.
6. It is not clear from the evidence of appellant whether the loading berths proposed will meet the statutory requirements of the Zoning Regulations. Appellant's evidence merely indicates some vague possibility of constructing loading berths in excess of ten (10) feet.
7. There is a request for a variance to measure the height of the closed court from elevation 51.94, which is the top level of the driveway ramps, instead of from the ground level as called for by the Regulations.

8. Appellant proposes to lease only to clients agreeing to using small trucks.

9. There was no opposition to the granting of this appeal registered at the public hearing.

10. Section 7302.1 provides that: "On and after the effective date of these regulations all structures shall be provided with loading berths..."

Two (2) loading berths are required for an office building to be erected which shall contain 132,135.6 square feet of gross floor area.

11. Section 7303.3 provides that: "The first required loading berth may have a vertical clearance of 10 feet and all additional required loading berths shall have a vertical clearance of 14 feet."

12. The term "court" as defined in the Regulations is "an open unoccupied space, open to the sky, on the same lot with a building which is bounded on two or more sides by the exterior walls of such building or by two or more exterior walls, lot lines, or yards."

13. "Closed Court" is defined as "a court surrounded on all sides by the exterior walls of a building or by the exterior walls of a building and side or rear lot lines or by alley lines where such alley is less than ten feet in width."

OPINION:

We are of the opinion that this appeal can be granted only in part as it requests variance of closed court requirements made under Section 5305 of the Zoning Regulations. The appeal is denied in its request for variance of the loading berth requirements of Section 7303.3 of the Regulations. This denial is without prejudice.

In granting the variance in regard to closed court requirements, the Board finds that strict application of the regulations will result in peculiar and exceptional

practical difficulties and undue hardship upon the owner. Prior to the present Regulations, appellants' building was in full compliance with the Zoning Regulations. We further find that this 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 proposed, in this regard, will not tend to affect adversely the use of neighboring property.

In denying the variance requested for the purpose of constructing three loading berths, ten (10) feet in height, the Board does not believe that appellant has proven a hardship without the meaning of the variance clause of the Zoning Regulations.

Moreover, it is our opinion that to permit a variance of loading berth requirements would be to create additional traffic congestion in this busy downtown location. Notwithstanding the contention by appellant that delivery would be limited to trucks capable of ingress and egress under a ten (10) foot height, we are of the opinion that to grant the requested relief will adversely affect nearby and adjoining property and will be detrimental to the public good, substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

ATTESTED:

By:



CHARLES E. MORGAN

Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE DATE OF THIS ORDER.