

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

STATEMENT OF REASONS IN SUPPORT OF AN APPLICATION FOR A SPECIAL EXCEPTION FROM THE
ROOF STRUCTURE REQUIREMENTS OF SECTION 411 OF THE ZONING REGULATIONS TO ALLOW THE
CONSTRUCTION OF A NEW ROOF STRUCTURE AT
1600 21ST STREET NW, LOT 80 IN SQUARE 66 (THE "PROPERTY").

This Statement of Reasons is submitted on behalf of the applicant, The Phillips Collection, a District of Columbia non-profit corporation (the "Applicant" or "Phillips"), the owner of the Property. The Applicant is requesting a special exception from certain requirements of Section 411 to facilitate the construction of an enclosure for a replacement heating and cooling system on the roof of the existing Duncan Phillips House.

THE PROPERTY AND THE SURROUNDING NEIGHBORHOOD

Property Description. The Property is located on the west side of 21st Street between Q Street and R Street. It contains approximately 26,959 square feet of land area. The Property is currently zoned R-5-B and SP-1. The Property is currently improved with an art museum occupying the original house, annex and Sant Building. The west property line is adjacent to the Indian Embassy. The east property line abuts 21st Street, a one-way street which has one (1) through lane and two (2) parking lanes (one on either side of the street).

Current Property Use. The Property is the site of The Phillips Collection (the "Collection"), a modern art museum that opened to the public in 1921. The Collection was initially the family home of Duncan Phillips, an 1897 Georgian Revival house (the "House"). In 1960, The Collection expanded to include a modernist wing, which was further remodeled through 1989, and is now known as the Goh Annex. Most recently, in 2006, the Collection underwent its largest expansion, when it expanded to an adjacent apartment building, which has

become the Sant Building. The Property also includes a courtyard, known as The Hunter Courtyard, which features sculptures. The Property is subject to Board of Zoning Adjustment Order No. 16618

The Surrounding Neighborhood. The Property is located on 21st Street NW near its intersection with Q Street and Massachusetts Avenue, a major arterial, and is less than 1500 feet from Dupont Circle. 21st Street to the north is zoned R-5-B, and consists largely of smaller single-family homes or multi-family housing units. 21st Street to the south is zoned SP-1, bordering R-5 residential zones and C-2 mixed use properties, which consists of a wide variety of land uses, including some housing units, company offices, and commercial uses.

Zoning. The Property is classified within the R-5-B and the SP-1 Zone Districts. R-5-B is a general residential zone with moderate density, and the SP-1 Zone is for offices and apartments in medium density. 11 DCMR §105.1(a-b). Museums are permitted as a matter of right in R-5 and SP-1 Districts. *See* 11 DCMR §§350.4(a), 501.1(a). The use of the Property as an art museum specifically serves the purpose of the zoning districts R-5-B and SP-1, as both districts are intended to help serve residential areas. *See* 11 DCMR §§ 350.1, 500.2. The Collection provides an important cultural resource for the surrounding residents and visitors to the area, and its residential history also enhances the transitional, historic area near Dupont Circle.

The Property is the subject of a previous Board of Zoning Adjustment Case and Order, No. 16618, which approved a special exception to allow two principal structures on a single lot pursuant to § 2516.1, and variance relief from the requirements for maximum floor area ratio under §§ 3103.2, 402.4, and 2001.3(a)-(c) to allow an enlargement and addition to the previously nonconforming historic structures on the Property. Since the approval of that relief by the Board of Zoning Adjustment, the Applicant has remained in compliance with all conditions of

approval, and has held meetings with a Community Advisory Board, including neighborhood representatives and the ANC single member district representative, regarding operations of The Phillips Collection facilities and any issues that have arisen therefrom. The Phillips Collection has worked hard to develop an open dialogue with the community surrounding its Property, and has discussed the Application with the Community Advisory Board, the Advisory Neighborhood Commission, and the Dupont Circle Conservancy, all of whom have expressed their support for the relief requested herein.

PROPOSED USE OF THE PROPERTY

The Phillips proposes to add a double-mansard roof structure to the House building to enclose a replacement HVAC system, which is needed as part of the regular upgrades and maintenance to The Phillips Collections' facilities. The existing HVAC system for the Duncan Phillips House is located on the roof and is unenclosed. The system is nearing the end of its useful life, and must be replaced. The Phillips Collection wishes to ensure that both its investment in the new HVAC system and the priceless works of art contained within the Duncan Phillips House are preserved; therefore, its consultants and architects have advised that any replacement system should be enclosed to better protect the system from the elements, provide better access to maintain and repair the HVAC system, and to minimize penetrations into the roof, which will decrease the likelihood of leaks that could cause catastrophic damage to the Collection.

The Phillips has worked with the Historic Preservation Office and the Historic Preservation Review Board in developing its plans to ensure that the roof structure will add to the historic aesthetic of the neighborhood. The actual use of the Property as a museum will remain unchanged; the roof structure will allow The Phillips to continue to operate a loved

museum in the area, and by making these changes to the roof structure, it will prevent future maintenance issues, which might require closure or extended construction on the Property.

SPECIAL EXCEPTION CRITERIA

The Board is authorized to grant a special exception where it finds:

(1) the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps; and

(2) the proposed use is not likely to adversely affect the use of neighboring property, subject to the specific conditions specified in the Zoning Regulations for the particular special exception use. 11 DCMR §3104.1. The BZA has limited discretion in granting a special exception – once an applicant has made the requisite showing of the requirements under the regulations for the special exception, the Board typically must grant the application. *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

Under Section 411.11 the BZA may grant a special exception from the roof structure requirements where it finds that compliance with the regulations would be “impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, . . . provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.” 11 DCMR 411.11.

Compliance with the requirements of Section 411, and the setback requirements of Sections 400.7 and 530.5 would be impracticable.

The existing roof is improved with an unenclosed HVAC system and a skylight structure leading to the floor below, which served as Mrs. Phillips home studio. This studio component of

the Duncan Phillips House is a contributing element of the historic structure and cannot be altered. Therefore, any new roof structure constructed to enclose the HVAC system cannot be of uniform materials. Instead, the architectural team has, with the guidance of HPO staff, designed a new double mansard roof structure that will not connect with the existing projecting studio skylight.

The Proposed Use is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zone Maps. The Property is in an area with a variety of uses, including homes and businesses. The change in the roof will not change the use of the Property, and will thus remain consistent with the purpose and intent of the Zoning Regulations. The Property is in an historic district that combines residential areas and other uses. The plans keep the historic, residential quality of the Property while ensuring that the building remains well-serviced and maintained. The slight changes requested will allow the building to maintain its historic aesthetic and the aesthetic of the surrounding area, and therefore continues to be in harmony with the purpose and intent of the Zoning Regulations and Map.

The Proposed Use is Not Likely to Adversely Affect the Use of Neighboring Property. To grant a special exception for a roof structure, the Applicant must show evidence that the proposed use will not “be likely to adversely affect the use of neighboring property.” 11 DCMR §3104.1. Further, Section 411.11 provides that the Applicant must specifically address whether “the light and air of adjacent buildings [would] be affected adversely.” 11 DCMR 411.11. The Phillips has been an institution of the neighborhood for almost a century, and providing better protection and access to its HVAC system will ensure that it can continue to operate, without interruption, in the future. Further, because the improvements would require such a limited height increase, indeed only to match the height of the current skylight on the

roof, the proposed roof structure will not harm neighboring property's access to light and air.

The Property borders the Indian Embassy and 21st Street. The other area surrounding the House is other Collection buildings. The current structure of the roof with the skylight and brick structure abutting the Indian Embassy property line ensures that the proposed structure will not block light or air to the Embassy property. Further, the height increase is so limited, all other neighboring properties would not be affected.

Respectfully submitted,

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