

Before the Board of Zoning Adjustment, D.C.

Application No. 11992 of Roger Smith Washington Corporation and the 1730 H Street Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Section 5306 for approval of roof structures in the C-4 District at the premises 725 - 18th Street, N.W., (Square 166, lots 816 and 817).

HEARING DATE: October 21, 1975 and March 17, 1976

DECISION DATE: March 23, 1976

FINDINGS OF FACT:

1. The subject site is located in the C-4 District.
2. The proposed building will be a twelve story office building with stores on the ground level.
3. The roof structure will contain a combination of stairway and elevator penthouses and mechanical equipment.
4. The total F.A.R. of the roof structure will be .36, less than the 0.37 F.A.R. permitted by the Board pursuant to Section 3308 of the Zoning Regulations.
5. The penthouse will be enclosed with materials harmonizing with the main structure in architectural character, material and color. The main building's facades will be constructed of gray concrete, gray granite, gray and clear glass, and dark gray metal, and the penthouse enclosure will be constructed of gray cement-asbestos panels to match the building.
6. The roof structure proposed meets the requirements of Section 5306 and 3308 of the Zoning Regulations.
7. The Municipal Planning Office by report dated October 20, 1975 recommended approval of the roof structure.
8. The application was originally heard by the Board on October 21, 1975. Present at that time were Board members Scrivener, Harps, McIntosh and Mariani. The case was reheard because of a claim of lack of notice by an affected property owner. The rehearing was held on March 17, 1976, when the case was submitted on the record. No opposition to the application was present at that time. Board Member McCants read the record of the proceedings on October 21, 1975 as well as the file in order to participate in the final decision.

9. The District of Columbia Administrative Procedure Act (D.C. Code, Sec. 1-1509(d)) provides that a proposed order must be served upon all parties in a contested case whenever "a majority of those who are to render the final decision did not personally hear the evidence."

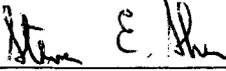
CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings, the Board concludes that the proposed roof structure is in harmony with the street frontage of the building in architectural character, material and color and will not affect adversely the light and air of adjacent buildings, and that the granting of this special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property in accordance with such Regulations and Maps. The Board concludes that the requirements of the Administrative Procedures Act have been met, since two out of the three Board members who voted on the application personally heard the evidence on October 21, 1976. It is therefore ordered that the above application be granted.

VOTE: 3-0 (McCants, McIntosh and Harps to grant, Cummings, McZier not voting, not having heard the case)

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

ATTESTED By: _____


STEVEN E. SHFER
Acting Secretary to the Board

FINAL DATE OF THE ORDER: MAR 26 1976

THIS 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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.