

PUBLIC HEARING--April 14, 1965

Appeal #8126 Morris and Eagan Co. appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on April 20, 1965:

ORDERED:

That the appeal for a variance from the side yard requirements of the C-3-B District to permit erection of a medical building and to erect roof structures in accordance with Section 3308 of the Zoning Regulations at 2143 K St. N.W., lots 855 and 856, square 73, be granted.

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

(1) Appellant's lot has a frontage of 99.75 feet on K Street and a depth of approximately 150 feet. The east side of the building abuts a 15 foot wide public alley and the rear of the building abuts a 30 foot wide alley. The west line of the lot extends back 100 feet then jogs to the east approximately five feet then to the thirty foot wide alley in the rear.

(2) In locating his building on the property appellant asks for a variance from the side yard requirements in that the lot being irregular, compliance with the exact letter of this section of the regulations would unduly penalize the design of the building and would not materially benefit the abutting property. In keeping his building on the west rearlot line appellant, under the regulations, must either provide no side yard or a minimum yard of six feet. In order to keep his building on a straight line at the rear a yard of 4.25 feet width for a depth of 11 feet is provided due to the jog in the lot at this point.

(3) An inspection of the plans on file indicate entrance and exit driveways on the open area of the lot on the west side with a roof over. This roof area will be planted and therefore this small yard space will be in planting at the first floor level and the yard will extend up from that point.

(4) Appellant proposes to erect roof structure 39.4 x 59.5 feet in size and removed 11 feet from the alley side of the roof.

(5) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of Section 8207.11 of the Zoning Regulations and that a denial this request will result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the appellant. It is our opinion that to require appellant to provide a legal yard or to build up to the adjacent building will serve no useful purpose as stated in the finding of facts above.

We are further of the opinion that the enclosure on the roof of this building for service equipment will harmonize with the main structure in architectural character, material and color.