

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- January 12, 1966

Appeal No. #8536 Joseph Maisel and Cyrus Katzen, Appellant.

The Zoning Administrator 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 18, 1966.

EFFECTIVE DATE OF THIS ORDER -- March 22, 1966.

**ORDERED:**

That the appeal for approval for roof structures including permission to use area in roof structure for tenant laundry purposes and for toilets accessory to roof swimming pool at 1755 Que Street, NW., be granted as to the roof structures and as to use of area in roof structure for toilets accessory to roof swimming pool but denied as to use of area in roof structure for tenant laundry purposes, subject to the conditions herein-after set forth.

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

(1) The Board finds that the proposed roof structure totals 2,355 square feet and occupies substantially less than the permitted .25 FAR of the lot area which totals 3,500 square feet as shown in Exhibit 1, computations relating to roof area, and that the applicants are still some 1,145 square feet below the maximum amount allowed for roof structures.

(2) The Board finds that the entire basement area in the proposed apartment building with minor exception is required together with all available surface area, to meet the off-street parking requirements.

(3) It is not feasible to erect a second sub-basement because of the serious subterranean water condition as shown in the test borings offered as Exhibit No. 3.

(4) As shown by the proposed roof structure plan, the roof enclosure in which the toilet facilities are to be housed will harmonize with the main structure in architectural character, material and color.

(5) The proposed plans reveal that no adjacent property owner will be adversely affected by reason of light and air conditions and that the erection of the roof structures as applied for will not adversely affect any neighboring property owners.

(6) The Board finds that it does not have jurisdiction under Sections 3308.2, 3308.22 and 3308.21 to grant the laundry facilities within the roof structure and, further, that the applicants have not produced sufficient evidence of hardship to allow him to come within Section 8207.11 of the Zoning Regulations.

OPINION:

We are of the opinion that the approval of roof structures including permission to use area in the roof structure for toilets accessory to roof swimming pool at 1755 Que Street, NW, is in compliance with the intent and purpose of Section 3308 of the Zoning Regulations. With regard to applicants' request for permission to use area in roof structure for tenant laundry purposes, we are of the opinion that the applicant has not shown undue hardship upon the owner of subject property to authorize a variance from the strict application of the Zoning Regulations.

This Order shall be subject to the following condition:

- (a) Applicants' proposed roof structure shall not exceed .25 FAR of the lot area which totals 3,500 square feet.