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

Supplement to Form 125 – Appeal (Cont'd.)

4. Exceptions to the Administrative Decisions and Allegations of Error

Appellants appeal the administrative decision of Matt Le Grant, Zoning Administrator, made on April 8, 2011, approving Building Permit B1104 635 for the Office of the Zoning Administrator in which the Zoning Administrator determined that the "elevator or 'material lift' structure" at the rear of 3307 M Street, NW complies with all applicable zoning regulations. Appellants specifically allege that the Zoning Administrator erred in the following determinations:

1. That 11 DCMR 400.7 and 411, which govern roof structures and height of buildings or structures, are applicable to the structure at the rear of 3307 M Street NW, including the following errors related to that conclusion:
 - (a) that the structure is a rooftop elevator penthouse subject to those provisions;
 - (b) that there exists a roof over the underground garage that extends from the building at 3307 M Street NW;
 - (c) that there is a "roof edge" at the eastern property line and that no setback from the "roof edge" at the eastern property line is required;
 - (d) that no set back is required from the north or rear property line.
2. That all standards were satisfied, as the following standards have not been satisfied:
 - (a) 11 DCMR 774.1 – A rear yard depth of 15 feet has not been provided for the accessory structure;
 - (b) 11 DCMR 2500.4 - The accessory structure exceeds the height limitation for accessory structures;
 - (c) 11 DCMR 2500.9 – The accessory structure obstructs the light of neighboring properties;

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- (d) 11 DCMR 400.7 and 411 (if the Board were to find that the structure is properly designated a roof structure) requiring setback from all exterior walls a distance at least equal to its height above the roof;
- (e) 11 DCMR 2203.1 (if the Board were to find that the structure is properly designated a roof structure) requiring all loading berths and service/delivery loading spaces to be located within the building or structure the berths or spaces are designed to serve; or on an open area of the lot. (See definition of "lot" at 11 DCMR 199.1.)

Appellants appeal building permit application B11 04635 issued April 26, 2011 authorizing exterior work to include wall enclosure to extend shaft and canopy in rear of building for the same reasons set forth above that was issued for zoning purposes based on the Zoning Administrator's decision.

Appellants also appeal the Elevator Permit #EN1101667, signed by Nicholas Majett, Director of DCRA, and issued 5/04/11.

The elevator is described on the permit next to Type of Elevator as "Lift: Haul Materials Out." If the structure is determined to be a roof structure, then pursuant to 11 DCMR 2203.1 loading is allowed on the lot, not on the roof. Accordingly, a determination to approve this structure for a location in which its operations would be contrary to 11 DCMR 2203.1 would be an error.

A copy of the Zoning Administrator's decision, the Building Permit and the Elevator Permit are attached to this Appeal.