Preliminarily Statement Outlining How The Application Meets The Required Burden of Proof

The Applicant is seeking relief from the Board of Zoning Adjustment a special exception from the roof structure requirements (Sections 411). The Applicant will establish through its Statement of the Applicant to be filed no fewer than fourteen days prior to the hearing on the subject application, as well as at the public hearing, that the subject application meets the burden of proof for the granting of the requested special exception. A preliminary summary of how the application meets the required burden of proof follows.

In order to meet the criteria for approval of the requested special exceptions, the Applicant will be required to show the following: (1) compliance is impractical 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 and (2) the intent and purpose of Chapter 400 and the Zoning Regulations are not materially impaired by the structure and the light and air of adjacent buildings are not adversely affected.

Special exception approval is required because the proposed roof structure does not meet the normal setback requirements of the Regulations. Roof structures are permitted up to a maximum height of eighteen feet, six inches above the roof upon which they are located, provided that they are set back from all exterior walls one foot for each foot of height above the roof. The roof structure is eighteen feet, six inches in height. It meets the setback requirement on the south or street facing side of the building. It does not meet the setback requirements on other sides of the building, coming flush with the exterior wall at one point.

The proposed building is for hotel use. It is shaped like an inverse "T," with the long central column of the "T" setback from the lot lines to provide light and air to the guest rooms which line each side of a double-loaded corridor. The lot is 120 feet wide, the courts on each side are thirty-two feet wide, leaving the central wing of the hotel to be fifty-six feet wide. Without relief from the setback requirements, the roof structure could be only nineteen feet wide, which is not a sufficient width and size to accommodate all of the stair and elevator penthouses and the mechanical equipment necessary to serve the building.

The roof structure is setback more than twenty-five feet from E Street in front of and across from the building. In addition, the hotel is a part of a phased development which will ultimately encompass the entire square. Once the buildings are constructed on either side of the hotel, this roof structure will not be visible from either 3rd or 4th Streets adjacent to the square. Any views from further away will be minimized because of the distance.

BZA
Case No. 16957
Exhibit No. 9

Board of Zoning Adjustment
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