

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: November 4, 2016

SUBJECT: BZA #19363 – 35 Franklin Street, NE – Special Exception relief to permit the construction of a rooftop deck on an existing dwelling

I. RECOMMENDATION

With regard to this proposal to construct a rooftop deck, the Office of Planning (OP) recommends **approval** of the following requested relief, subject to the condition below:

- C § 1500.4 (Special Exception Necessary to Construct a Penthouse)

Although not requested as of this writing, OP has discussed with the applicant the apparent need for, and recommends **approval** of the following special exception relief:

- C § 1500.9 (Penthouse walls must be of a single, uniform height; Angled walls proposed);
- C § 1502.1(c) (Penthouse and railings must be set back 1-to-1; No setback proposed).

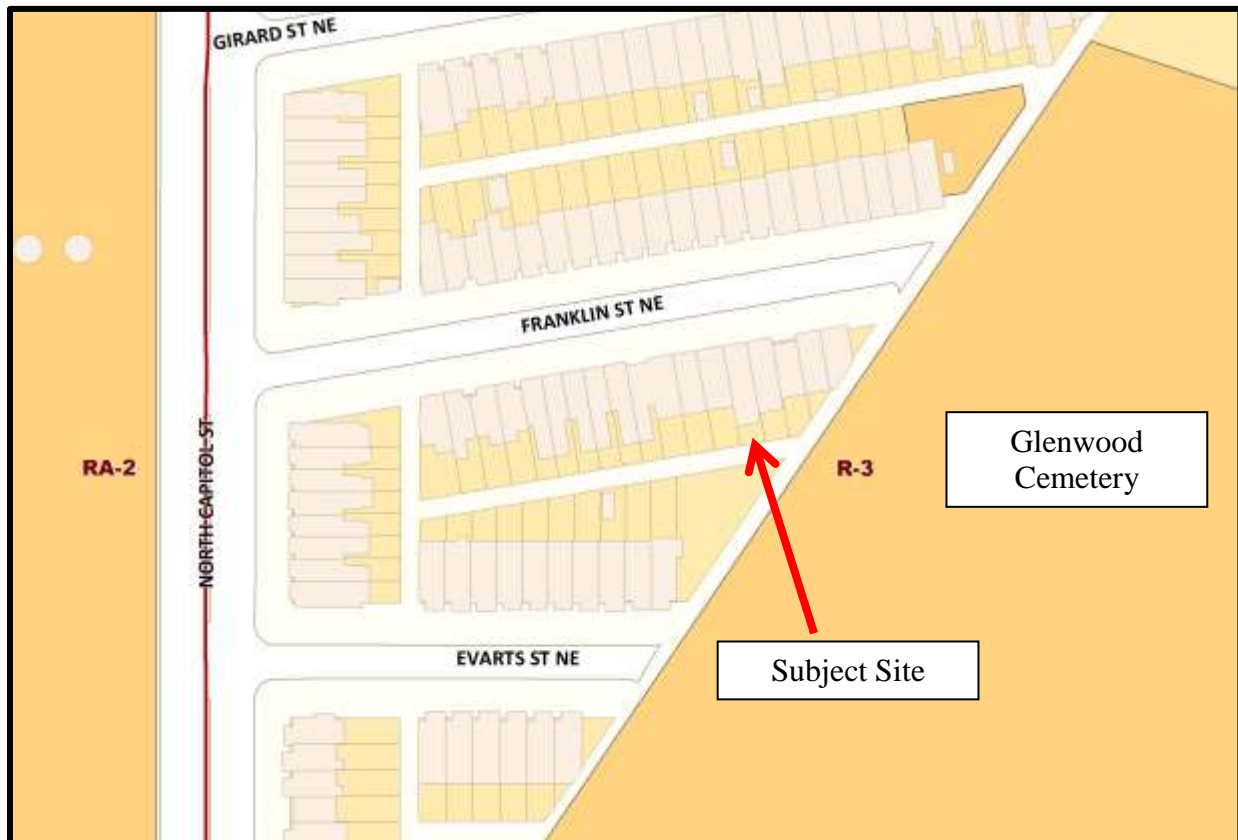
OP’s recommendation is based on a condition that the penthouse height be limited to 10 feet maximum above the roof at its highest point.

II. LOCATION AND SITE DESCRIPTION

Address	35 Franklin Street, NE
Legal Description	Square 3501, Lot 31
Zoning	R-3 (Single Family Rowhouse)
Ward and ANC	5, 5E
Historic District	None
Lot Characteristics and Existing Development	Rectangular rowhouse lot – 75’ X 20’. Alley at the rear. Existing two story rowhouse with attic/parapet at front.
Adjacent Properties and Neighborhood Character	Entire neighborhood is rowhouses; Glenwood Cemetery to the south of the property; North Capitol Street to the west, and McMillan redevelopment site beyond.

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to add a roof deck to an existing single family dwelling, along with the associated stair enclosure. No other external changes to the house are proposed.



IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

Pursuant to C § 1500.4, special exception relief is necessary to construct a penthouse on the roof of a rowhouse. In this case the applicant proposes a stair-enclosure penthouse in order to access a roof deck and has requested relief pursuant to § 1500.4. OP has also alerted the applicant that relief to §§ 1500.9 and 1502.1(c) would also be necessary. Those sections state respectively that walls must be of a uniform height and that penthouses and railings must be set back 1-to-1. Relief from those sections may be granted by special exception pursuant to § 1504.

V. ANALYSIS

General Rowhouse Penthouse Criteria

Subtitle C § 1500.4 states that a penthouse on a rowhouse may be permitted subject to the two criteria below and the general special exception criteria of Subtitle X Chapter 9, which are analyzed at the end of this portion of the report.

- (a) **[The penthouse may be] no more than ten feet (10 ft.) in height and contains no more than one (1) story; and**

The proposed penthouse would be only one story. The height of the penthouse is not specified on the plans, but OP estimates that it would not be more than 10 feet tall. OP proposes a condition of approval that would limit the height to 10 feet.

- (b) **[The penthouse may contain] only stair or elevator access to the roof, and a maximum of thirty square feet (30 sq. ft.) of storage space ancillary to a rooftop deck.**

The penthouse would only contain stair access to the roof.

Relief to Wall Height and Setback

The proposed design would require relief from wall height and setback provisions, which the Board may grant subject to the criteria of C § 1504, and the general special exception criteria of X Chapter 9.

Subtitle C § 1504.1

- (a) **The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;**

Strict application of the setback requirements for the penthouse would result in unnecessary disruption to the floor plan on the floor below the roof, where a central hall provides access to rooms at the front and back of the house and on either side. Also, even if the penthouse were centered on the 19-foot-wide lot, it would still require setback relief. If the setback were required for the handrail, it could be unreasonable given the lack of impact of the handrails. Strict application of the requirement to have walls of equal height would result in a penthouse that is more visible than the proposed design. A sloping roof minimizes visibility from the front of the building.

- (b) **The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;**

It appears that the penthouse would be constructed inside the party wall, meaning that, when built, it would not appear to be an extension of the wall of the building. The handrails would also not appear to be an extension of the wall. The sloping roof is also an improvement over a flat roof, which would be required if the walls were of equal height.

- (c) **The relief requested would result in a roof structure that is visually less intrusive;**

The relief to walls of equal height would result in a penthouse less visible from the street in front. It is not clear that any greater degree of setback for the penthouse structure would appreciably decrease its visibility.

- (d) **Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;**
- (e) **Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and**

Strict application of the setback requirements for the penthouse would result in unnecessary disruption to the floor plan on the floor below the roof, where a central hall provides access to rooms at the front and back of the house and on either side. Also, even if the penthouse were centered on the 19-foot-wide lot, it would still require setback relief. If the setback were required for the handrail, it could be unreasonable given the lack of impact of the handrails.

- (f) **The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.**

The penthouse has been designed to minimize its visibility given the constraints of constructing rooftop access on a rowhouse. The light and air of adjacent buildings should not be adversely affected. Any shadow from the penthouse and railings should fall on the subject property or the roofs of adjacent properties. Airflow would not be impacted.

General Special Exception Criteria

X § 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) **Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**

A purpose of the Regulations is to minimize the appearance of rooftop structures. The penthouse has been designed to minimize its visibility given the constraints of constructing rooftop access on a rowhouse.

- (b) **Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**

Neighboring property would not be unduly impacted. The light and air of adjacent buildings should not be adversely affected. Any shadow from the penthouse and railings should fall on the subject property or the roofs of adjacent properties. Airflow would not be impacted. The privacy of adjacent properties should not be unduly impacted by granting the relief, and a level of neighbor interaction is expected in dense rowhouse neighborhoods. Privacy would not be appreciably enhanced with greater setbacks.

VI. COMMUNITY COMMENTS

As of this writing OP has received no comments from the community.