

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 16, 2016
SUBJECT: BZA Case 19328 1739 17th ST NW for special exception relief pursuant to Subtitle X § 901.2 from the requirements of Subtitle C §§ 1500.9 and 1500.10 to allow construction of a penthouse in the RA-8 zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- C § 1500.9, penthouse enclosing walls of equal, uniform height; and
- C § 1500.10, penthouse enclosing walls shall rise vertically to a roof, with a slope not to exceed 20% from vertical.

II. LOCATION AND SITE DESCRIPTION

Address	1739 17 th ST NW
Applicant:	Charles Warren, Architect on behalf of Jason Liebel, Owner
Legal Description	Square 178, Lot 082
Ward / ANC	Ward 2; ANC 2B
Zone	RA-8, Dupont Circle Residential Apartment Zone
Historic District	Dupont Circle Historic District
Lot Characteristics	Rectangular lot measuring 19 feet in width and 63.17 feet in depth. The lot is bounded to the west by 17 th ST NW and adjacent lots in the RA-8 zone to the north, east, and south.
Existing Development	The property is improved with a three-story plus cellar row structure that is being used as a flat. A flat is a permitted use in the zone.
Adjacent Properties	The properties to the north and south are improved with residential buildings.
Surrounding Neighborhood Character	The surrounding neighborhood is primarily residential in character with commercial to the south on New Hampshire, 17 th , and 16 th Streets NW.
Proposed Development	The Applicant is proposing to convert the flat to a three-unit apartment house

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RA-8	Regulation	Existing	Proposed	Relief
Height F § 603	50 ft. max.	39.9 ft.	42.21 ft.	None required
Floor Area Ratio F § 602	1.8	2.4	2.4	Existing nonconforming
Lot Occupancy F § 604	60 % max.	80 %	80 %	Existing nonconforming
Rear Yard F § 605	15 ft. or 4 in./1 ft. of height min.	12.9 ft.	12.9 ft.	Existing nonconforming
Side Yard F § 606	Not required, but 4 ft. min. if provided	0 ft.	0 ft.	None required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to C § 1504.1 and X § 901 from the requirements of C §§ 1500.9 and 1500.10

- i. 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;**

The proposed design would require special exception relief from §§ 1500.9 and 1500.10, to allow enclosing walls of unequal height and walls with a slope exceeding 20% from vertical. Creating a penthouse with vertical, equal height enclosing walls would be unreasonable given the intent of the design to minimize the visibility of the structure. The sloping wall would decrease the visibility of the penthouse from 17th Street NW and minimize its mass generally.

- ii. The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;**
- iii. The relief requested would result in a roof structure that is visually less intrusive;**

The proposed penthouse should be less visually intrusive. The sloped wall minimizes visibility from the street level. The proposed penthouse meets setback requirements and the proposed design, including the sloped wall, is the result of discussions with Historic Preservation Office staff, intended to minimize the visual impact of the penthouse.

- iv. 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;**

The proposed penthouse meets the requirements for roof access and stairwell separation. The required relief pertains to the sloped wall, which was introduced to minimize visibility of the structure.

- v. **Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and**

The penthouse stairway enclosure and mechanical equipment meet the required setbacks.

- vi. **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.**

Granting relief to the equal height and vertical wall requirements for penthouses should not impair the intent of the penthouse regulations. The sloping wall would minimize the mass of the structure and limit its visibility from 17th Street NW. The penthouse otherwise meets all requirements of the regulations.

- vii. **Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The Zoning Regulations permit penthouses and generally seek to minimize their impact on surrounding properties. The proposed penthouse meets the required setbacks and is designed to reduce visibility from the street.

- viii. **Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The light and air available to the adjacent properties to the north and south should not be impacted by the sloping wall of the penthouse.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) indicated that it has no objection to the approval of the requested special exception.

VI. COMMUNITY COMMENTS

Comments from the community, including ANC 2B, had not been received at the time this report was written.

Attachment: Location Map

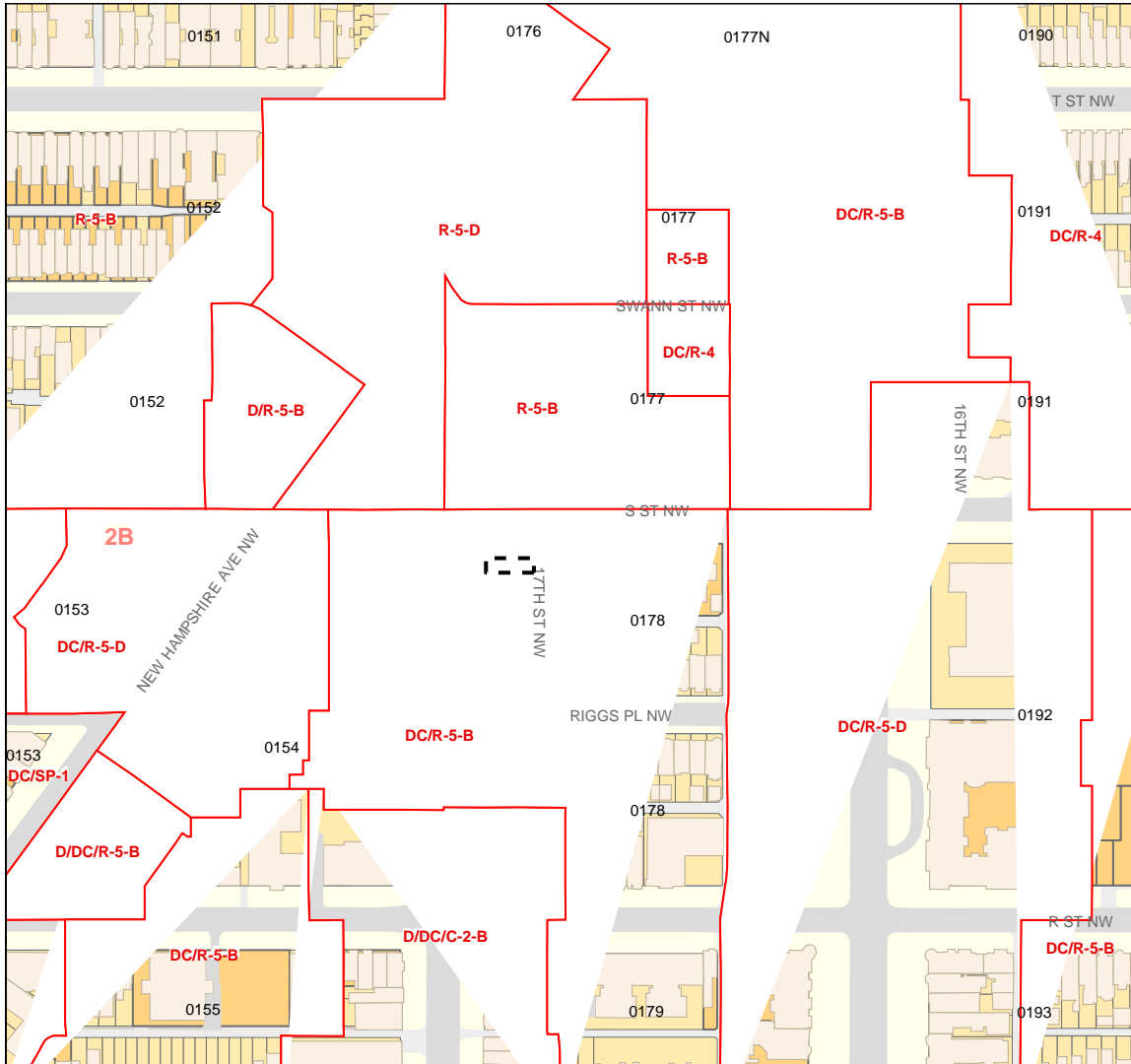


Figure 1: Location Map, 1739 17th ST NW