

DC Board of Zoning Adjustment

RE: BZA Case #18888; Appeal of the Building Permit # 1309151

January 13, 2015

ZONING CODE; DEFINITIONS

(entered into the BZA record by hand at the Jan. 13 hearing)

11-DCMR-199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

✕ **Retaining Wall** - a vertical, self-supporting structure constructed of concrete, durable wood, masonry or other material, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls, or other retaining structures.

⌈ **Structure** - anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

⌈ **Yard** - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

⌈ **Yard, rear** - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

774 REAR YARDS (C)

- 774.1 Except as provided in this section, a rear yard shall be provided for each structure located in a Commercial District, the minimum depth of which shall be as prescribed in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM DEPTH OF REAR YARD
C-1 All structures	20 feet
C-2-A, C-2-B, C-2-C All structures	15 feet
C-3-A, C-3-B, C-3-C, C-4, C-5 (PAD) All structures	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

- 774.2 The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-3-A, C-3-B, C-3-C, and C-4 Districts in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 shall be met.

- 774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.

- 774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.

- 774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

- 774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

- 774.7 In a C-1, C-2, or C-3-A District, where a lot upon which a building or other structure is located abuts an alley, the rear yard, as required by §§ 774.1 through 774.6, may be measured as follows:

- (a) For that portion of the structure below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure from the center line of the alley to the rear wall of the portion; and
- (b) For that portion of the structure above the horizontal plane described in § 774.7(a), the depth of rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane.

- 774.8 Subsection 774.7 shall not apply to any one-family dwelling.

2503 STRUCTURES IN REQUIRED OPEN SPACES

- 2503.1 Except for the structures and exceptions specified in this section, every part of a yard required under this title shall be open and unobstructed to the sky from the ground up.
- 2503.2 A structure, not including a building, no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code, Title 12 DCMR, shall not be calculated in the measurement of this height.
- 2503.3 A fence or retaining wall constructed in accordance with the D.C. Construction Code may occupy any yard required under the provisions of *this title*.
- 2503.4 Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the D.C. Construction Code.
- 2503.5 [DELETED]

SOURCE: § 7602.2 of the Zoning Regulations (April 1981); as amended by: Final Rulemaking published at 27 DCR 2226, 2228 (May 23, 1980); Final Rulemaking published at 36 DCR 1509, 1522 (February 24, 1989); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8526 (October 20, 2000); as amended by Final Rulemaking published at 55 DCR 34 (January 4, 2008).

411 ROOF STRUCTURES (R)

411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat. 452; D.C. Official Code, §§ 6-601.01 to 6-601.09, on apartment building roofs, penthouses for (a) storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.

411.2 When located below, at the same roof level with, or above the top story of any building or structure, penthouses (as outlined in § 411.1) shall be subject to the provisions of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3 when applicable, and to the conditions and variable floor area ratio specified in this section.



411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.



411.4 When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.



411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.



411.6 When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 411.3 and 411.5, except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

411.7 Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted.

411.8 Roof structures shall not exceed one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories.

411.9 In addition to the floor area ratio allowed by § 411.7, mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.

411.10 [REPEALED]

411.11 Where impracticable 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, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that 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.

Merriam-Webster Definitions

"Enclose." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 12 Jan. 2015.

<http://www.merriam-webster.com/dictionary/enclose>.

Full Definition of *ENCLOSE*

transitive verb

a (1) : to close in : surround <enclose a porch with glass> (2) : to fence off (common land) for individual use

b : to hold in : confine

"Surround." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 13 Jan. 2015.

<http://www.merriam-webster.com/dictionary/surround>.

Full Definition of *SURROUND*

a (1) : to enclose on all sides : envelop <the crowd *surrounded* her>

a (2) : to enclose so as to cut off communication or retreat : invest

b : to form or be a member of the entourage of <flatterers who *surround* the king>

c : to constitute part of the environment of <*surrounded* by poverty>

d : to extend around the margin or edge of : encircle <a wall *surrounds* the old city>