

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 24, 2015

SUBJECT: BZA Case #18966 - Special exception relief per §3104 and §411.11 for roof structures located at 1959 4th Street NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) recommends **approval** of a Special Exception for the following:

- Penthouse setback (1:1 setback required, 0’ proposed for two structures at several locations);
- Number of penthouse structures (1 permitted, 2 proposed); and
- Penthouse structures of unequal heights.

The Applicant originally requested relief from §400.1 Height of Building or Structures for the rear stair tower; however the stair tower height of 9’-7” meets the permitted housing for a stairway penthouse height of 18’-6” or less per §400.7 (c), which was confirmed by the Zoning Administrator, so this relief is not required.

II. LOCATION AND SITE DESCRIPTION

Address:	1959 4 th Street NE
Legal Description:	Square 3615 Lot 51
Ward/ANC:	5/5E
Lot Characteristics:	The lot is generally square-shaped and is 7,724 sf in area. It has a frontage of 78.35 feet on 4th Street NE. The rear of the lot is approximately 78.61 feet in width and abuts a 20-foot wide public alley along half of the rear of the Property, which dead-ends. In addition to the community-based residential facility under construction, there are three row homes also located on the lot that are to remain and will be used by the Applicant as part of the facility.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	The proposal is under construction, a building permit was issued on Feb. 4, 2015.
Historic District:	None

Adjacent Properties:	Predominantly row dwellings to the west and north, and industrial uses to the east and south, including car storage lots, ancillary office space, and a construction company/facility.
----------------------	--

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	RAP, Inc. by Genell Anderson/Amar Group LLC, Architect
Proposal:	Roof structures as part of a community-based residential facility under construction
Relief Sought:	Per §3104 and §411.11, Special Exception for roof structure relief

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400.1	40 ft. max./3 stories	N/A	39.5'	None required
Lot Width (ft.) § 401.3	40 ft. min.	78.35 ft.	78.35 ft.	None required
Lot Area (sq.ft.) § 401.3	4,000 sf	7,724 sq.ft.	7,724 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403.2	40% max.	N/A	41 %	None requested per § 407.1
Rear Yard (ft.) § 404	20 ft. min.	N/A ft.	24'-7" ft.	None required
Side Yard (ft.) § 405	None provided, none required	0 ft.	0 ft.	None required
Open Court Width (ft.) §406.1	None provided, none required	0'	0'	None required
Penthouse setback §400.7 (b)	1':1' max.	N/A	0' (east, north and south elevations)	Relief required
Penthouse Number of Structures §411.3	1 structure	N/A	2 structures	Relief required
Penthouse Heights §411.5	One equal height	N/A	Two unequal heights	Relief required

V. OP ANALYSIS:

The Applicant requests roof structure relief in order to continue the construction of a community-based residential facility. Because the facility serves handicapped individuals, per § 201.1 (f), community-based residential facilities are permitted as a matter-of-right in the R-4 District; thus the

¹ Information provided by the Applicant.

special exception criteria of § 353 does not apply. The Zoning Administrator verified the proposed matter-of-right use in a letter to the Applicant. Relief is required from the following provisions pursuant to §411.11 and §3104.1:

§400.7 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and

Neither the stair tower of 9'-7" in height, nor the mechanical penthouse of 7'-6" in height is setback from all exterior walls the respective requisite distances. Both are setback a distance of 0' from the building exterior walls at the south and north respectively, as well as the eastern exterior wall. Relief is needed in this regard.

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.

The stair tower and mechanical penthouse are located in a two separate structures, separated by a horizontal distance of approximately 5'-6'.

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.

The two roof structures are of unequal heights: the stair tower, a height of 9'-7" and the mechanical penthouse, 7'-6".

§ 3104 Special Exceptions

Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and

The use of the Property as a community-based residential facility for handicapped individuals is a matter-of-right use in the R-4 District. Roof structure setback, number of structures and unequal heights relief is necessary to support a matter-of-right use with certain programmatic needs that differ from typical row dwelling for a single-family or flat found in the R-4 District. Due to the limited roof size and the amount of mechanical equipment necessary to facilitate the use of the building, it likely would be challenging to find a location whereby the setback distance could be met for the roof structures. The width of the proposed building is narrow (approx. 36' wide) and the stair tower is a width of 25'-6". It is physically impossible to locate the stair tower the required 9'-7" from the north and south exterior walls of the building. While it may be physically possible to relocate the smaller mechanical penthouse inboard, it would likely prevent a contiguous green roof area, which is a programmatic element central to the facility's treatment plans. With regard to the requirement to house the functions of the roof structures into one structure, relocating it the stair tower inward so it could connect with the mechanical penthouse would likely cause programmatic disruptions with the roof uses, would prevent the contiguous green roof area, and as well as impact the interior layout of each floor below. In terms of two separate heights instead of one, it would

require a mechanical penthouse height of approximately 2' higher than the height necessary to enclose the equipment. In summary, the requested relief to allow for the roof structures to support this particular use that has programmatic needs that are different than most uses permitted in the R-4 District, within a narrow structure, is consistent with the general purpose and intent of the Zoning Regulations and Map for the aforementioned reasons.

Will the special exception not tend to affect adversely, the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps.

The special exception will likely not tend to adversely affect the use of neighboring properties. Specifically to the east, the properties across the alley are zoned to the C-M-2 District, a significantly more intense zone than R-4, which permits a height of 60', an FAR of 4.0, and unspecified lot occupancy. The current uses of those properties include two vehicle storage lots for cab companies and vehicles associated with the U.S. Post Office, warehouse structures housing the office and storage space for the cab companies and Post Office, and the industrial uses of the Fort Myer Construction Company on 5th St. NE. The roof structures are horizontally-separated from the C-M-2 properties by a distance of at least 45' due to the 25' rear yard of the Applicant's Property and the 20'-wide alley. To the south, the Applicant owns the immediately-adjacent property and community-based residential facility use currently takes place there as well. To the north, the remainder of the Square 3616 to V Street NE includes two-story row homes and the two-story Angels Gate Cooperative. The mechanical penthouse roof structure will be visible to these residents from their rear yards, but due to the horizontal distance for most properties, the impacts likely would be minimal for most row home residents. The several row home properties located to the north which are nearest to the Property could likely incur an increase in shade in their rear yards, primarily from the 40-foot-tall facility and likely not from the 7'-6"-tall mechanical roof structure itself. Finally to the west, the structures have been located as far away from 4th Street NE as possible and as such, the roof structures likely will have little impact due to horizontal separation, location of the roof structures at the rear of the facility, and height/vertical separation.

VI. COMMUNITY COMMENTS

Adjacent neighbors: At the time of the writing of this report, the Applicant continues to collect signatures of support from nearby residents.

Ward/ANC: The property is within ANC-5E. The Applicant presented the request to ANC-5E at a March 17th.

Attachment: Location Map

