GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

August 15, 2001

MEMORANDUM

TO: The Board of Zoning Adjustments
Office of Zoning

THROUGH: Michael D. Johnson
Zoning Administrator

FROM: Toye Bello, Chief
Zoning Review Branch
Office of the Zoning Administrator

SUBJECT: 5111 Connecticut Avenue, NW - BZA Appeal No. 16716

This memorandum is in response to your request for clarification on an outstanding issue related to the public hearing of the appeal case number referenced above. The issue centers on why a wall, which seemingly encloses an elevator penthouse, is not subject to the setback requirements of Section 400.7(b) of the Zoning Regulations.

In consistency with precedence, the enclosing façade of the elevator penthouse was deemed an Architectural Embellishment designed for the predominant purpose of architectural uniformity of the roof plan. It was therefore, not subject to the setback requirements of Section 400.7(b).

It is instructive that more than thirty three percent (33%) of the continuing facade wall above the main roof line is literally dead or hollow space designed to house the mechanical hoist necessary to the operation of the elevator and its attendant machine room. The first enclosure of relevance, the Utility Room is clearly set back 171/2 feet from the exterior wall of the building.

This design bears similar outcome to an Architectural Embellishment proposed as an extension of a facade wall or a curtain wall above the main roof line behind which is

941 North Capitol Street, N.E., Suite 2700 Washington, DC 20002 Phone: (202) 442-4560 Fax: (202) 442-4871

BZA
Case No. 16716
Exhibit No. 49

Board of Zoning Adjustment
District of Columbia
CASE NO.16716
EXHIBIT NO.49

hidden mechanical equipment. The Zoning Regulation is silent on the threshold of functionality allowed an Architectural Embellishment. Clearly, where it is not designed to unduly gain occupiable space, then such embellishment can be co-opted for purposes of functional duality. The precedence of this doctrine was established by previous Zoning Administrator rulings in the form of approval of a near similar design at the following three addresses: 2590 L Street, NW, 1725 I Street, NW, and 1818 H Street, NW.

The decision to factor this enclosure in the excess Floor Area Ratio allowed penthouses is logical given the roof proposal over said enclosure which is designed to effect uniformity with the mansard and turret roofs atop the remainder of the building and the function to which the enclosure is devoted.

The mandate of 11 DCMR, Section 411 is to allow the exercise of a reasonable degree of architectural control upon roof structures. Hence, a reasonable degree of flexibility is inherent in the administrative interpretation of the Zoning Administrator provided, that the intent and purpose of the Zoning Regulation is not materially impaired.

If I can be of further assistance, do not hesitate to contact me or the Zoning Administrator at 442-4576.

TB/er

Cc: Gregg Love, Admin/BLRA
Michael D. Johnson, ZA

D.C. GOVERNMENT
CTR/DEBRA CASHIERS OFFICE
941 N. CAPITOL STREET NE
WASHINGTON, DC 20002
202-727-1000

Store # 0001 Receipt # 097940
Reg. # 1 07/10/00 at 08:54
Cash Ln Ck# 28 Sale Clk# 28

EH23001215 OTHER BUS. LIC. PERMITS
U 1 @ $ 2,000.00 $ 2,000.00

Sub-Total $ 2,000.00
Tax $ 0.00

Total Sale $ 2,000.00

Check Amount $ 2,000.00

Change Due $ 0.00

0840

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-17
(Rev. 10/85)

DEPARTMENT OF CONSUMER AND REGULATORY AF
BUILDING AND LAND REGULATION ADMINISTRATI
PERMIT PROCESSING DIVISION
PERMIT & CERTIFICATE ISSUANCE BRANCH

Fill

RECEIPT FOR FILING FEE

ADDRESS OF PROPOSED WORK:	SQUARE	LOT 161 49, 51 53-56
Mario Escalante	1989	
RECEIVED FROM:		DATE
5111 Conn Ave NW		7-10

Balance of Permit Fee To Be Paid At Time of Issua

Chief, Permit & Certificate Issuance Branch

Clerk

Credit

DCRA

BEERY, RIO & ASSOC.
ARCHITECTS
8001 BRADDOCK ROAD, 4TH FLOOR
SPRINGFIELD, VA 22151
PH. (703) 426 9067

2215

DATE July 10 '00 55-488/580

PAY TO THE ORDER OF D.C. Treasurer

$ 1,820.00

One Thousand and 00/100 DOLLARS

F&M BANK
NORTHERN VIRGINIA
FAIRFAX, VA 22030

FOR 5111 Conn. Ave Permit Fee. Katherine Lalagos

BY

MD-E-205-585-751-511
DOB 11-29-58
EXP 11-29-04



