GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

Office of Planning

DATE: October 17, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16770

The attached Final Report concerning the application for Case Number 16770 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16770
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16770
EXHIBIT NO.24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: October 10, 2001

SUBJECT: BZA Application 16770 –Variance to height for the addition of a roof structure to an existing non-conforming building at 301 G Street, SW (§§ 400.1 and 2001.3)

APPLICATION
The applicant, Nextel has applied for a variance to allow the placement of a telecommunications equipment shelter on the roof of an existing non-conforming apartment building. The building is non conforming due to height. The shelter would be approximately ten feet in height and sit on a three-foot tall platform for a total rise of thirteen feet above the roof. The property is in the R-5-C, medium density residential, zoning district.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the application.

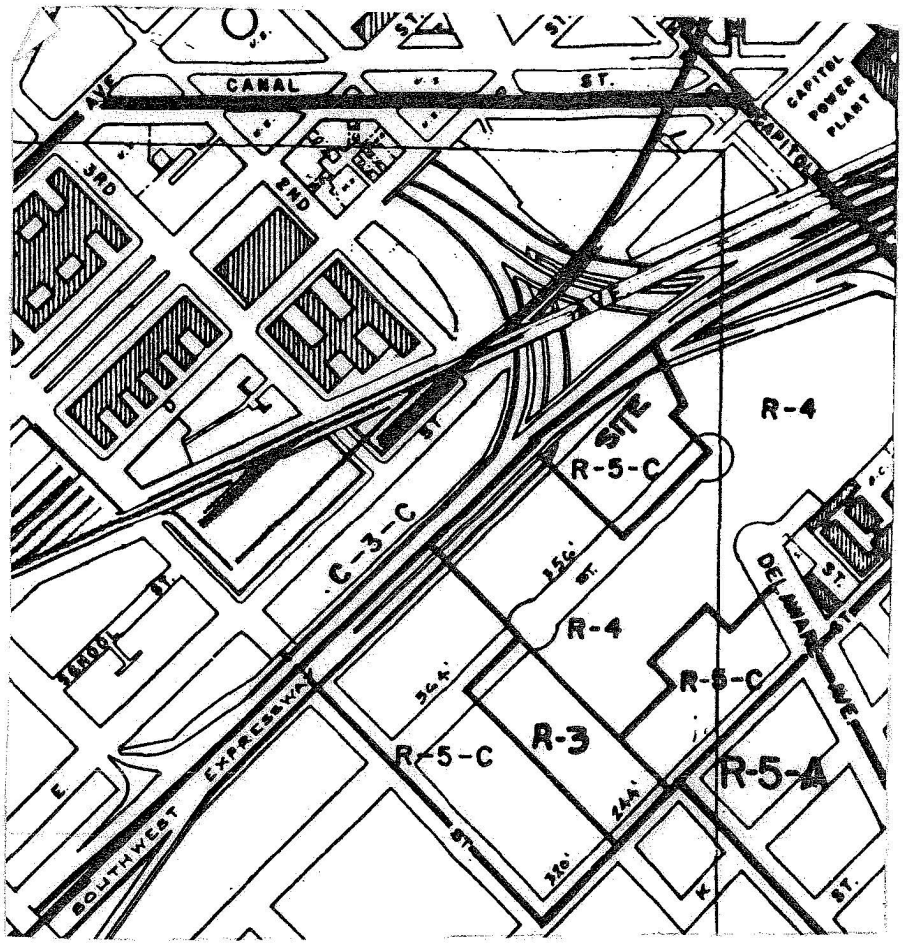
BACKGROUND
The applicant, Nextel, applied to place 12 antennas and one 12-foot by 20-foot by 10-foot equipment shelter on the roof at 301 G Street, SW. The application states that the equipment shelter would be constructed of materials similar to the main building and existing penthouses. Eight of the antennas would be flush mounted on the north and south walls of the new equipment shelter. The remaining four antenna panels would be on a single, non-penetrating sled mount placed at the western end of the main roof. The equipment shelter is proposed to be placed in the center of the eastern half of the roof.

The property is in Square 540 in the southwest quadrant of the District, at the northwest corner of 3rd and G Streets. The building is located in the R-5-C zone district. The area immediately surrounding the property is zoned R-4 and R-5-C, and is developed with apartments and row-houses. The Southeast Expressway is just north of the site.

EXISTING ZONING

The property is zoned R-5-C residential. The R-5 zone district is designed to permit "all types of urban residential development if they conform to the height, density and area requirements established for those districts..."(§350.1) The zone also permits certain classes of antennas as matter-of-right uses and broadcast antennas and towers are permitted by special exception.

The Capital Park Towers apartment building received a Certificate of Occupancy from the District in January 1985 for the full 8 floors and basement. The building was originally constructed under an Urban Renewal classification which allowed the 86.5 –foot height specific to the building. The Urban Renewal classification expired and the property was zoned R-5-C, which has a height limit of 60 feet, thereby causing the building to become a non-conforming structure with a conforming use. The intended placement of the equipment shelter and antennas will have no impact on the residential use of the building.



VARIANCE REQUEST

Variance Request – Addition to Non-Conforming Building

The variance is to allow a roof structure on an existing non-conforming building. The Zoning Administrator's Office determined that the equipment shelter extended the non-conforming element of the building (height) which is prohibited by §2001.3 (c):

> 2001.3 Enlargements or additions may be made to the structure provided that the following requirements shall be met:
>
> (c) The addition or enlargement itself shall not increase or extend any existing, nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined.

The permitted, existing and proposed heights are noted in the table below:

R-5-C Zone	Permitted By Code	Existing Structure	Proposed By Applicant	Difference
§400.1 Height	60 feet	86 feet-6 inches	9 feet-6-inches	30'6" (approx: 50%)

Exceptional Practical Difficulties

To be eligible for variance relief under §3103, the property must meet the standard for exceptional practical difficulty. This difficulty may be the result of "exceptional narrowness, shallowness or shape of a specific piece of property at the time of original adoption of the regulations, or by reason of exceptional topographic conditions ***or other extraordinary or exceptional situation or condition of a specific piece of property...***" (§3103.2) OP agrees with the applicant that relative to this particular variance request, there is an exceptional situation for this specific property that resulted from original construction under an urban renewal classification and the non-conforming status that resulted from the rezoning action. The rezoning and resulting non-conforming status due to height resulted in a restriction on the use of the roof that would otherwise be permitted as a matter-of-right.

The applicant has also stated in their pre-hearing statement that Nextel "has determined that there are no alternative existing structures in the vicinity that will allow it to meet its coverage objective as well as will this property." It is the exceptional condition of the building's height that meets the applicant's objective.

Integrity Of The Zone Plan

OP concludes that the requested variance can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

It is the intent of the antenna regulations that antennas be designed, constructed and located so as to minimize their effects on the population and not detract from the landscape, skyline and scenic beauty of the city. Equipment shelters are a necessary functional element of antenna operations. OP believes that the use of rooftops for antennas minimizes the need for other antenna structures such as monopoles and towers and minimizes the intrusions on the city's skyline.

Section 411 states that the intent of the roof structure regulations is 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 the Act of June 1, 1910..." The subject shelter is proposed with a maximum height of 13 feet. The shelter's proposed location is 31 feet from both the northern and southern edge of the building, 120 feet from the eastern edge of the building and 300 feet from the western edge of the building. The shelter will be constructed with materials to match the existing penthouse and will appear an integral part of the building, while having minimal visibility from public space. OP believes that the setbacks and exterior materials provide the "reasonable degree of architectural control" intended by §411.

COMMUNITY COMMENTS

The applicant reports that they are scheduled before ANC 2D on October 15, 2001.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the character of the neighborhood and the standards for variance. OP believes that the shelter will have minimal visibility and will not impact the residential use or character of the building. OP believes the variance can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the application.

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