GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: September 4, 2002

SUBJECT: BZA Application 16906 - Request filed by Christian Zapatka, Architectural Design LLC for a **special exception** for construction of a roof deck, proposed by Gerald D. Schultz for 1213 34th Street, N.W.

APPLICATION
Application of Gerald D. Schultz for:

1) **Special exception relief pursuant to §223 of Title 11 DCMR** to permit the construction of a roof deck on an existing row house not in conformance with §§401 and 403

for property located on the west side of 34th Street, N.W., between M and Prospect streets, 1213 34th Street, Square 1205, Lot 52. The applicant has indicated that the Surveyor Plat prepared by the Office of the Surveyor incorrectly labels the subject property as Lot 51. As a result the application was filed identifying the subject property as Lot 51. The applicant has informed the Office of Planning that he intends to correct this at the hearing, as directed by the Office of Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception relief as submitted by the applicant.

PROJECT DESCRIPTION
This proposal is to permit the construction of a roof deck on an existing row house, including a staircase providing access to it from the second floor on the south side of the building.

BZA
Case No. 16906
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16906
EXHIBIT NO.27

SITE AND AREA DESCRIPTION

The property consists of Lot 52 of Square 1205, in the North West quadrant of the District and is located within the Georgetown Historic District. It is 1,015.95 square feet in area, has a minimum lot width of 15.81 feet, and is improved with a row house used as a single-family dwelling constructed circa 1900.

The surrounding area is a mixture of residential, retail and office uses. Row houses adjoin the subject property to the north and south. To the east is a site at which a two-story retail building, with three levels of underground parking, is under construction. To the west, across 34th Street, is an historic site, Halcyon House, which has been converted to apartments. All adjoining properties are located within the R-3 district. The retail building site that is under construction is split zoned, with the majority of it located within the C-2-A district, and the remainder, including the portion adjacent to the subject property, located with the R-3 district. A row house at 1207 34th Street, three lots south of the subject property and located within the C-2-A district, is improved with a roof deck.

The area has been identified on the Generalized Land Use Map as located within the moderate density residential land use category- "Row houses and garden apartments are the predominant uses; may also include low density housing."

EXISTING ZONING

The subject property is zoned R-3, row dwellings, and is improved with a row house used as a single-family dwelling.

R-3 Residential District

"The R-3 district is designed essentially for row dwellings..." (§320.1)

RELIEF REQUESTED:

Special Exception pursuant to §223– Additions to One-Family Dwellings or Flats

§223 sets forth the specific criteria under which additions to one-family dwellings may be permitted within a residential district. Those criteria are as follows:

"223.2 *An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all of the requirements of §§401, 403, 404, 405 or 406 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of Chapter 31 of this title, subject to the provisions of this section.*

"223.2 *The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

(b) *The privacy or use and enjoyment of neighboring properties shall not be unduly compromised;*

(c) *The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the frontage; and*

(d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.*

"223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.

"223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties."

The proposed addition is to a one-family dwelling in a district in which it is permitted, the R-3 zoning district. The subject property is not in compliance with §401, as it is only 1,015.95 square feet in area, less than the minimum 2,000 square feet required, and is only 15.81 feet in width, less than the minimum 20 feet. It is also not in compliance with §403 as the lot occupancy is 66.15 percent, in excess of the maximum 60 percent permitted, but less than the 70 percent permitted under §223.3. The subject property is in compliance with §404, Rear Yards and §405, Side Yards. Section 406 is not applicable.

The addition should not substantially adversely affect the use and enjoyment or privacy of abutting properties. The roof deck will be located on the roof in the center of the structure, but minimally visible from 34th Street. The Commission of Fine Arts is requiring that the railing be painted a dark color so as to minimize the appearance of the deck from public space. The adjoining row houses are of similar height and there are no windows of adjoining residences at the same elevation of the proposed deck. The building under construction to the rear is proposed to be retail only. The roof deck was modified at the request of the neighborhood in such a way as to make it acceptable to them (see COMMUNITY COMMENTS below). As stated above, the proposed roof deck will only be minimally visible from the street; therefore it will not intrude upon the character, scale and pattern of houses along the frontage. The applicant submitted architectural drawings as a part of the application in support of §223, copies of which are attached to this report.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 223 and that in granting the relief, the intent and purpose of the chapter "shall not adversely affect the use of the neighboring properties."

COMMUNITY COMMENTS

ANC 2E has reviewed this application and issued a letter to the BZA, dated July 22, 2002, indicating that they reviewed the application at their meeting of July 2, 2002, and unanimously approved the application with the following comment, *"ANC 2E has no objection to the*

applicant's request for a special exception considering the fact that the requested non-conforming provisions are in response to neighbors' concerns."

A prior letter, issued by ANC 2E and dated September 5, 2001, states the following, "*ANC 2E notes the concerns of neighbors having to do with the stairs as well as the arbor and commend the work that is being done by the architect to address these concerns. We do approve of the concept of the roof deck as it would not be visible from public space. We hope to see the redesign of the stairs at a future meeting."*

THE COMMISSION OF FINE ARTS

The Commission of Fine Arts reviewed the roof deck proposal because of the property's location within the Georgetown Historic District and issued the following recommendation, dated October 24, 2001, *"No objection to issuance of permit for proposed roof deck as shown in supplemental drawings received and dated 16 October 2001. Deck railing is to be painted a dark color to limit its visibility from public thoroughfare. Working drawings conform to recommendations given during concept review. See previous Recommendation (O.G. 01-242). Note is made that project is pending final zoning review. Any modifications to the approved design as a result of further review in the permit process must be submitted to the Commission for approval."*

The previous recommendation, dated September 24, 2001, states, *"No objection to concept design for a roof deck in the center portion of the house in a location that will make it not visible from public thoroughfare, including Bank Street. Applicant agreed to delete rear portion of the roof deck. File new submission of working drawings, including details, sections and visibility studies, for review by the Commission when ready."*

The plans before the BZA reflect the plans approve by the CFA and the ANC.

HISTORIC PRESERVATION REVIEW BOARD

The Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration, issued a "Transmittal Letter – Historic Preservation Review Board," dated October 29, 2001, that indicated the following action, *"Issue permit subject to zoning approval."*

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. OP concludes that the special exception meets the required tests and 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 following:

> **Special exception pursuant to §223 of Title 11 DCMR** to permit a roof deck, as submitted by the applicant.

AA/sjm$_{AICP}$



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. 16906

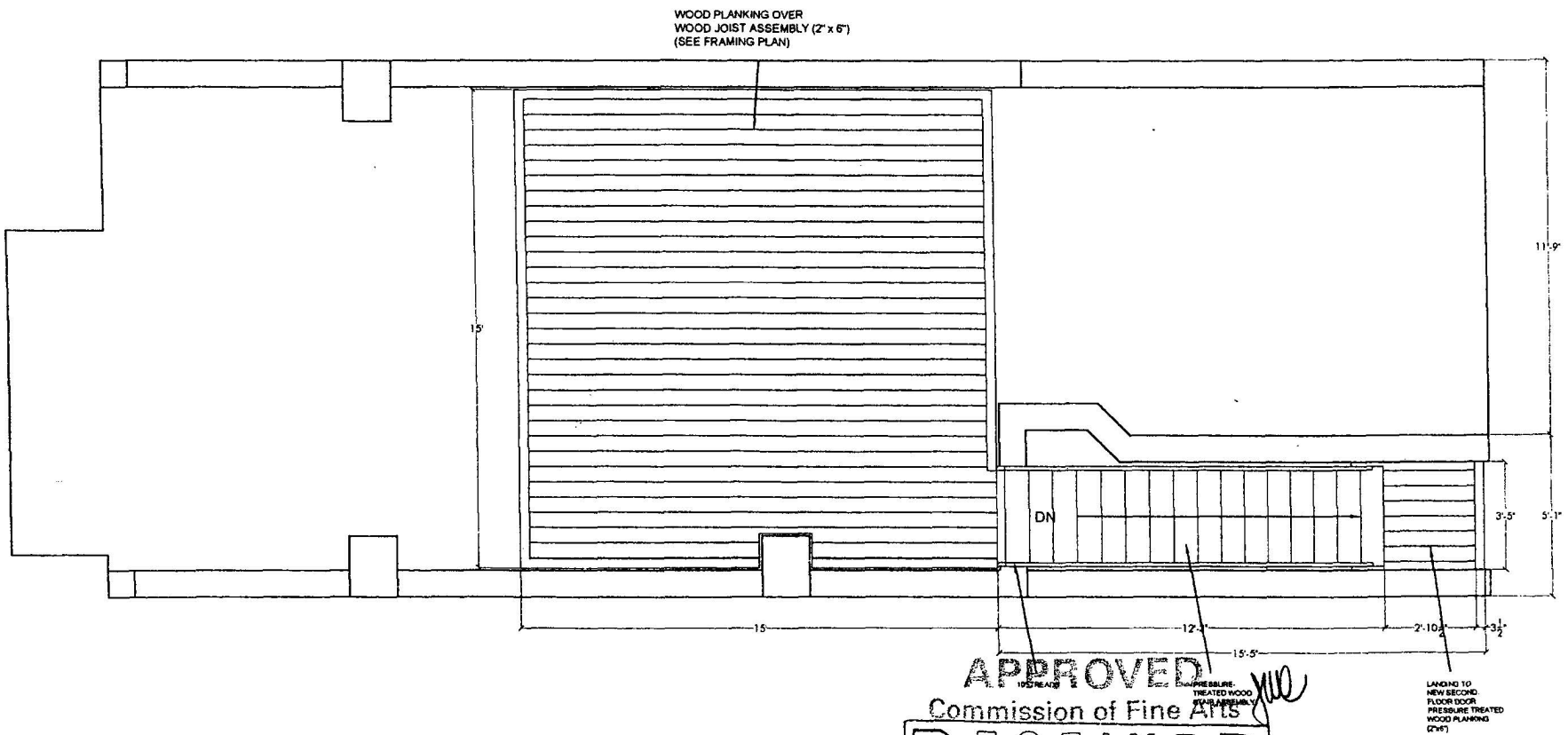
DC Office of Planning
August 14, 2002

Scale 1:1146

25 0 25 50 75 100 1

Attachment 1

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY 20 AM 12: 44



1 NEW ROOF PLAN
SCALE: 3/16" = 1'-0"

APPROVED
Commission of Fine Arts
RECEIVED
OG01-272
OCT 16 2001
COMMISSION OF FINE ARTS
SUPPLEMENTAL

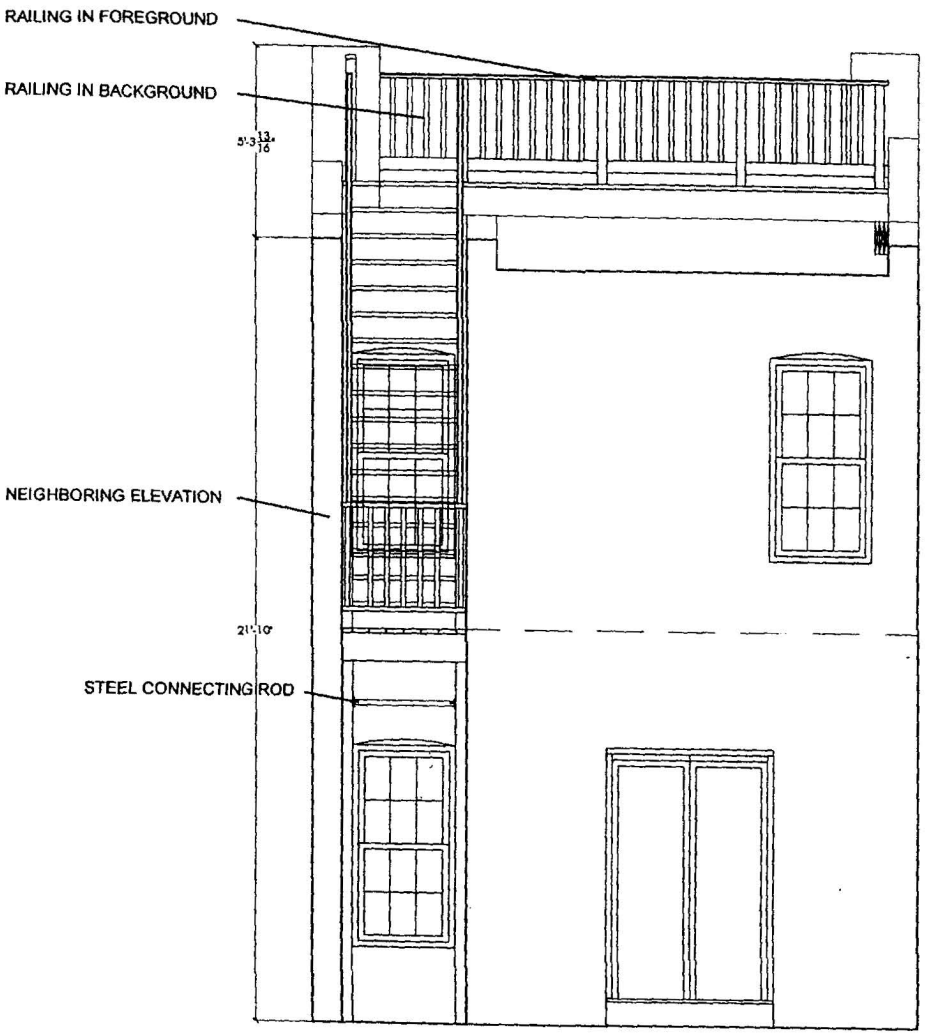
CHRISTIAN ZAPATKA ARCHITECTURAL DESIGN LLC
2625 'O' STREET, WASHINGTON D.C. 20007 (202) 333-2735

SCHULTZ HOUSE roof deck
1213 34th Street NW Washington, DC 20007

BZA
Case No. 16906
Exhibit No. 7

OCTOBER 15,2001

A-1



1 NEW REAR ELEVATION
SCALE : 3/16" = 1'-0"

APPROVED
Commission of Fine Arts
0G01-272

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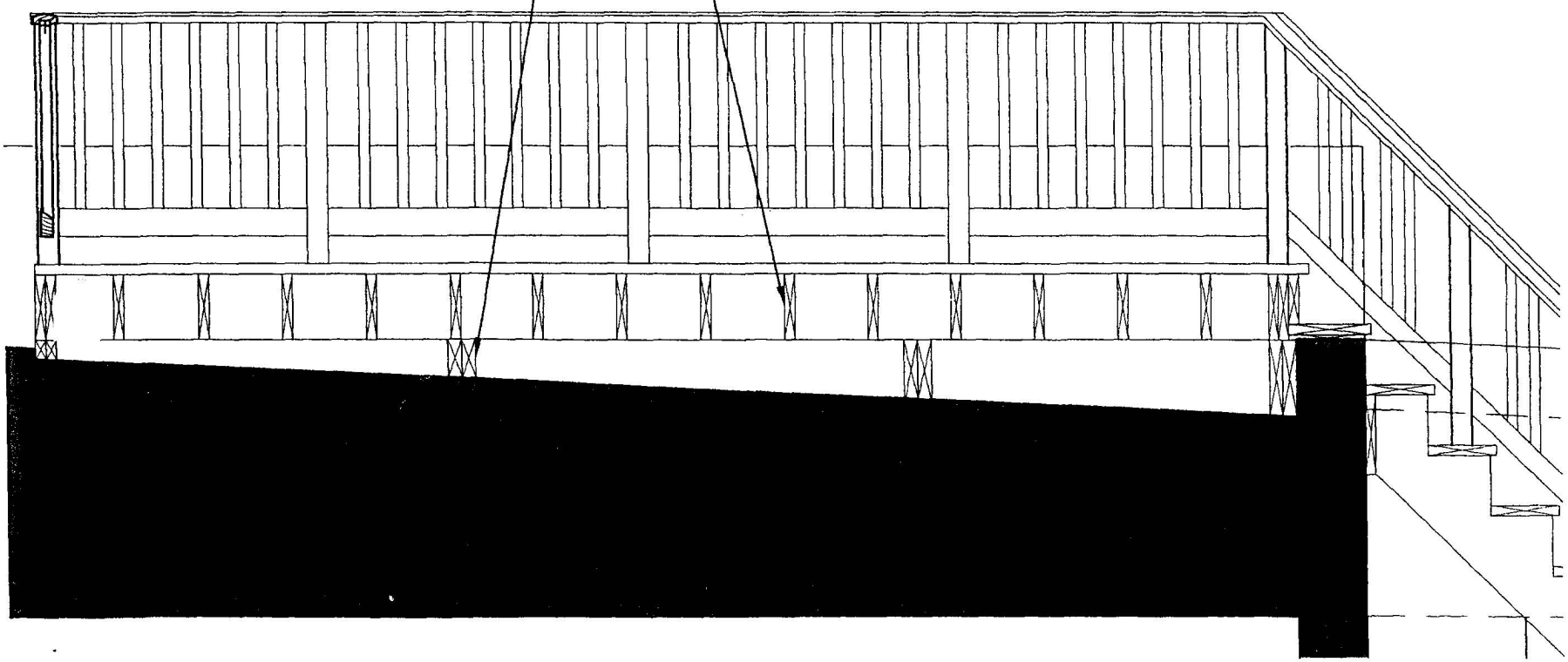
SCHULTZ HOUSE roof deck
1213 34th Street NW Washington, DC 20007

OCTOBER 15,2001 A-2

3' HIGH RAILING WITH 1.5"
SQUARE BALUSTERS AT 4" O.C.
3" SQUARE POSTS EVERY 4'
(ALL PRESSURE TREATED)

2" x 8" FRAMING JOISTS

PAIRED 2x10's



APPROVED
Commission of Fine Arts
0G01-272

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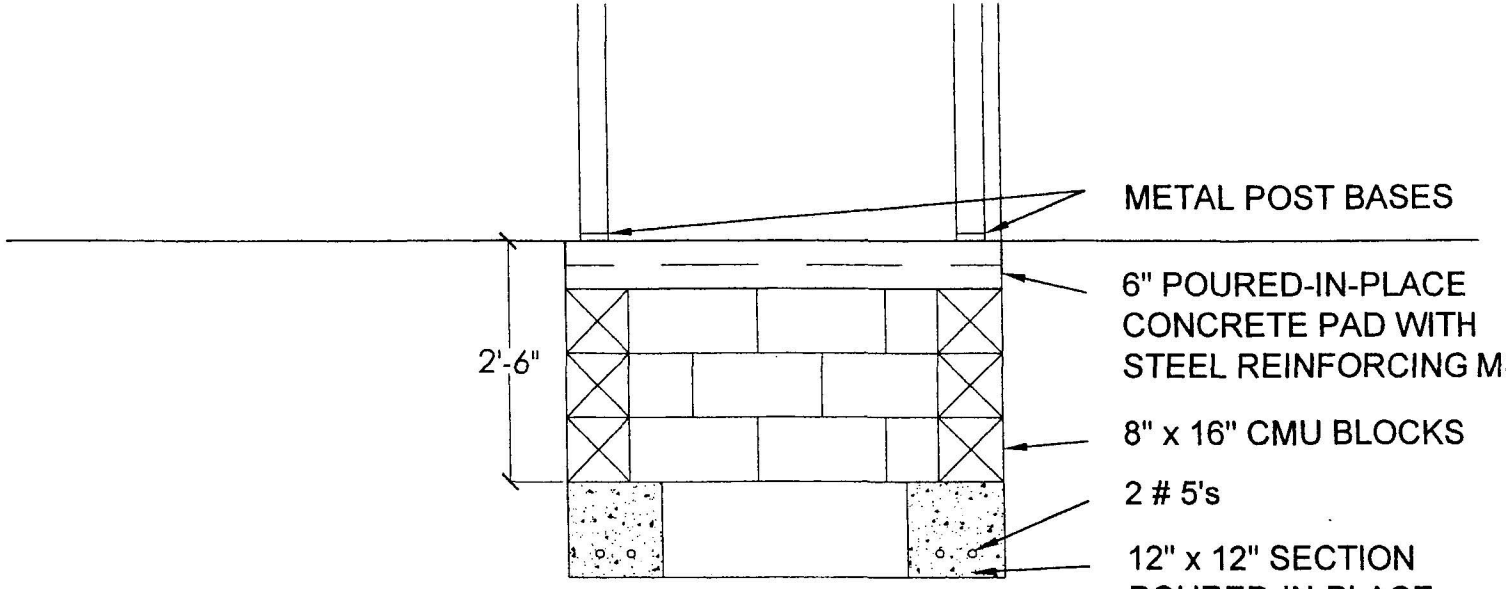
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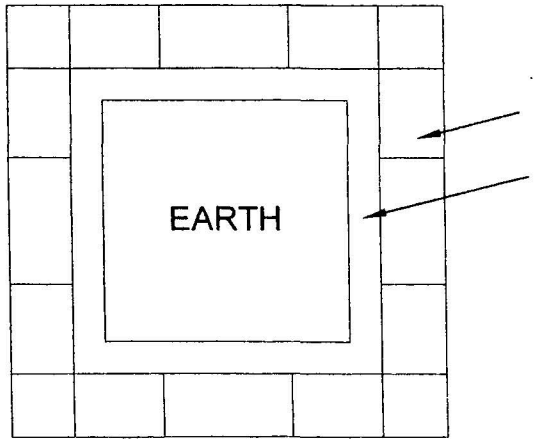
SCHULTZ HOUSE roof deck
1213 34th Street NW Washington, DC 20007

1 DETAIL OF ROOF DECK RAILING
SCALE: 1/2" = 1'-0"

OCTOBER 15, 2001



1 DETAIL OF FOUNDATION - SECTION
SCALE: 1/2" = 1'-0"

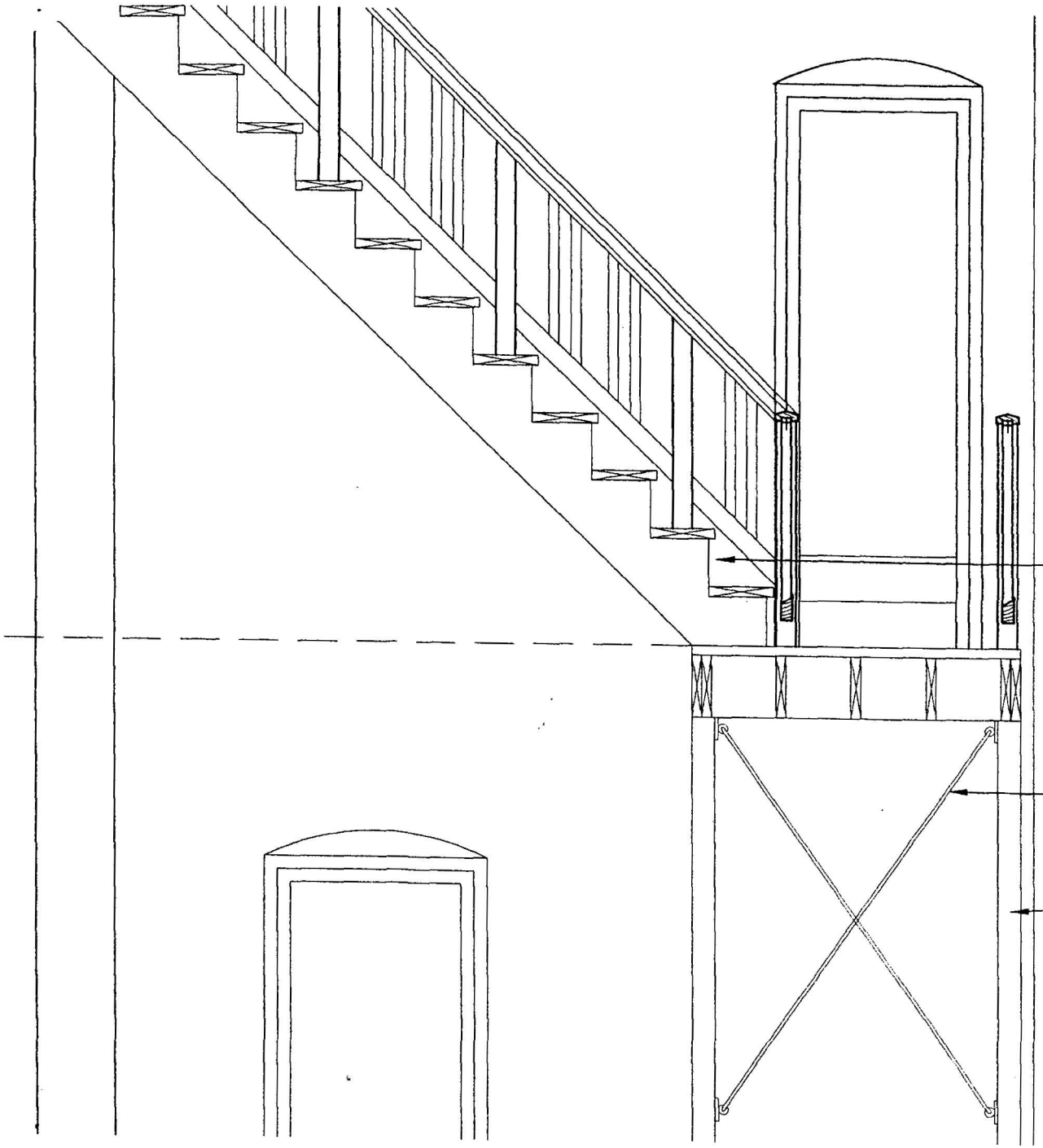


2 DETAIL OF FOUNDATION - PLAN
SCALE: 1/2" = 1'-0"

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SUPPLEMENTAL

SCHULTZ HOUSE Revised
1213 34th Street NW Washington, DC 20007

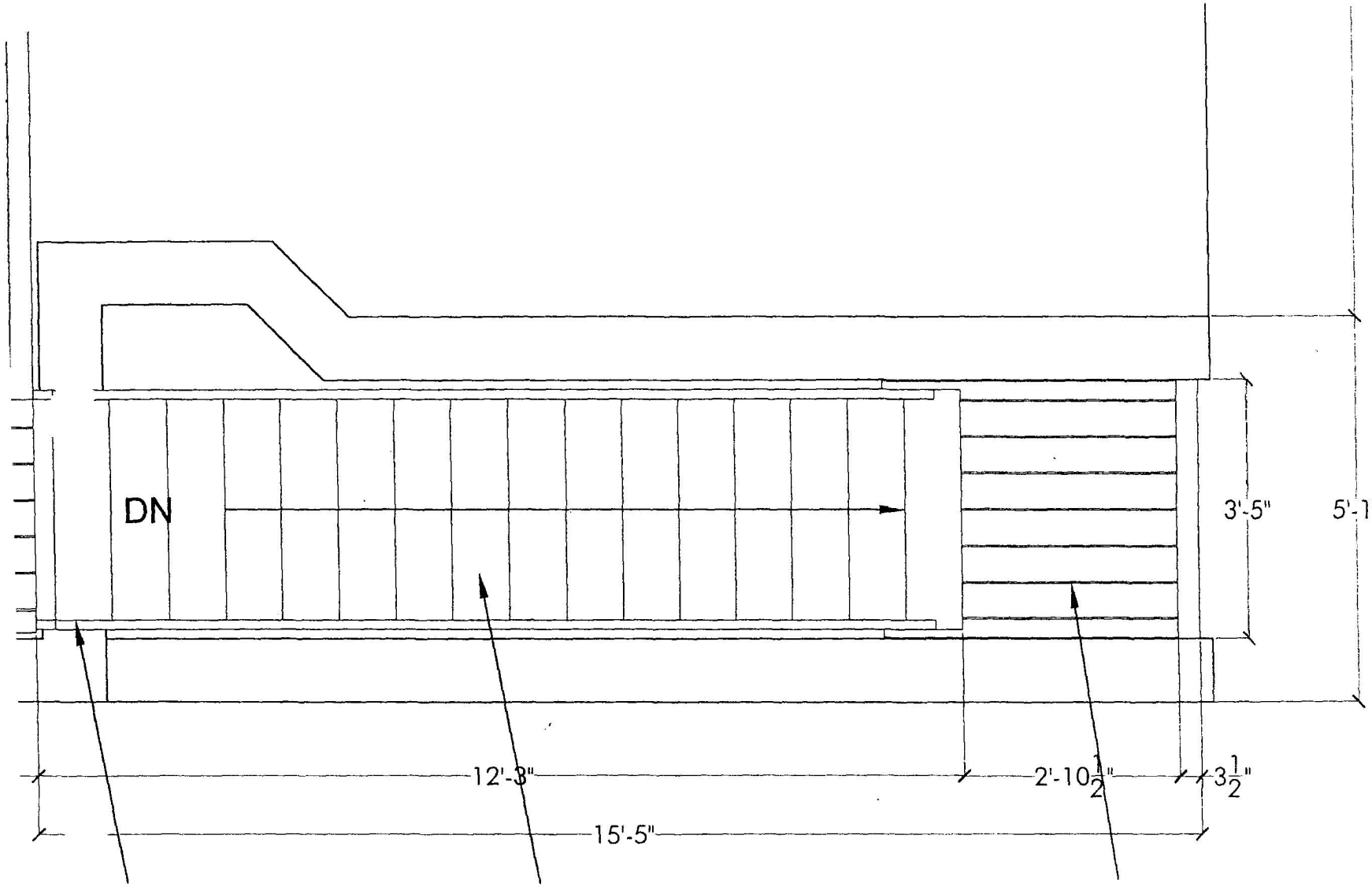


1 DETAIL OF DOOR AND STAIR - SECTION
SCALE: 1/2" = 1'-0"

0G01-272
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SCHULTZ HOUSE roof deck
1213 34th Street NW Washington, DC 20007



1 DETAIL OF LANDING + STAIRS - PLAN
SCALE: 1/2" = 1'-0"

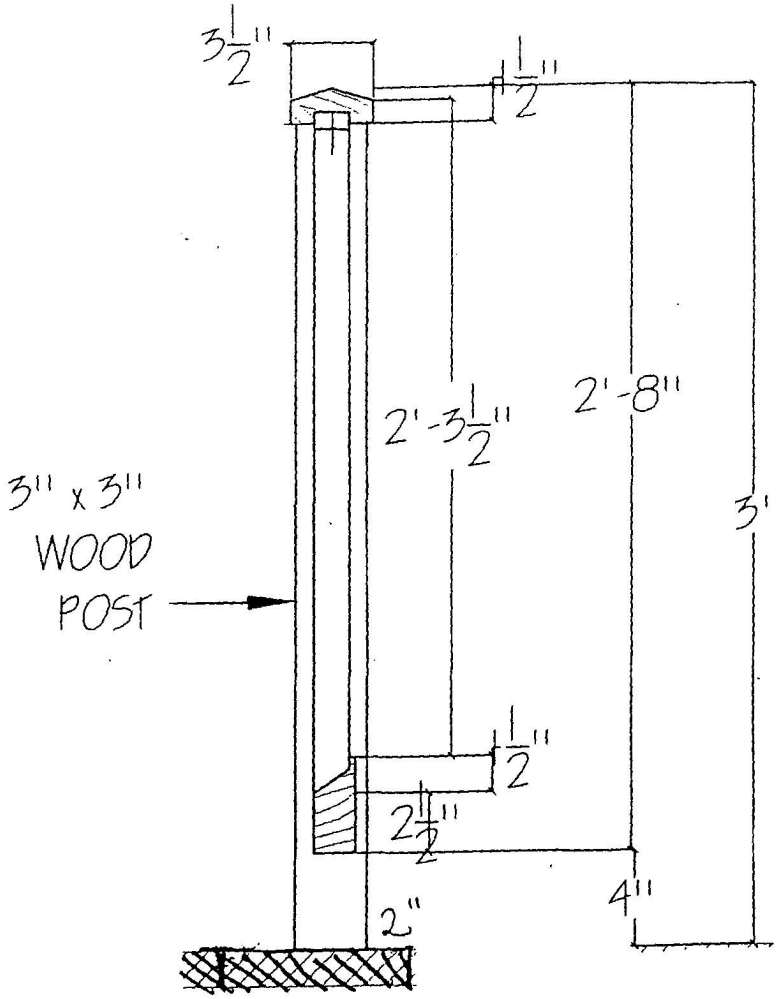
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SCHULTZ HOUSE roof deck
1213 34th Street NW Washington, DC 20007

OCTOBER 15, 2001

CHRISTIAN ZAPATKA ARCHITECTURAL DESIGN LLC
2625 'O' STREET WASHINGTON DC 20007 (202) 333-2726



1 RAILING DETAIL - SECTION
SCALE 1 1/2" - 1'-0"

OG01-272

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OCT 16 2001
COMMISSION OF FINE ARTS
SUPPLEMENTAL

Renovation/Addition for:
3119 "N" Street NW Washington, DC 20007