

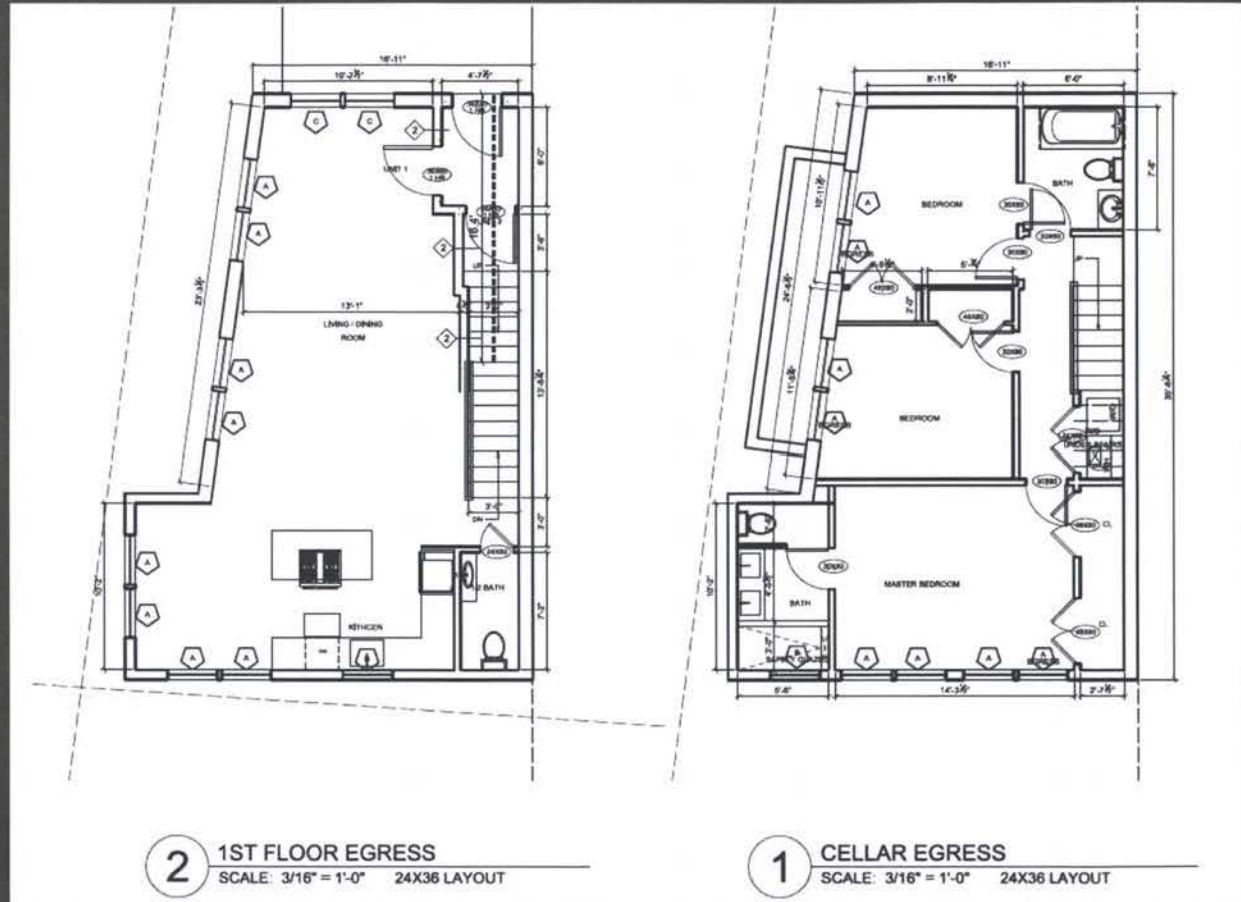
1267 Penn St NE

Zoning Appeal No. 19818

- End-unit rowhouse
- 2 stories & cellar
- Bought by Appellee in Jan.
- Permit B1804093 issued May 18
- Construction started July 30



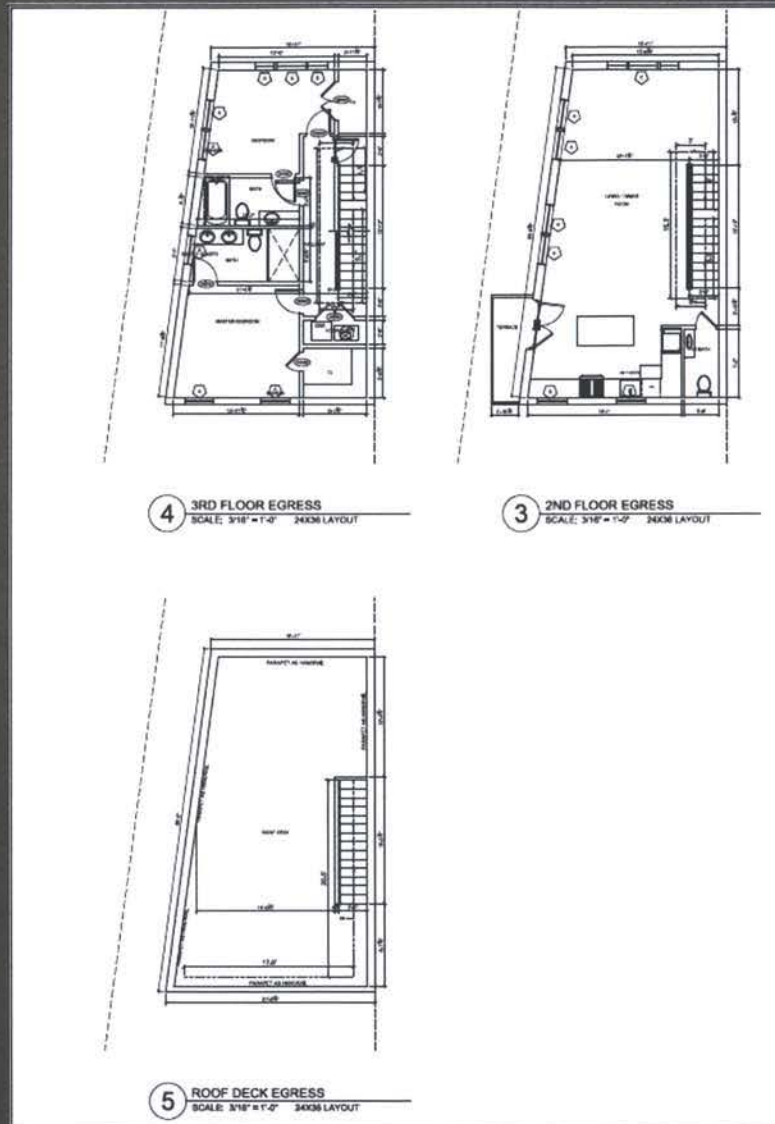
- Single-family dwelling
→ 2 flats
- Bottom unit:
Basement
& ground floor



Excerpt, Exhibit 2K

- Top unit:
Second floor
Third floor
Penthouse

* Third floor and penthouse are additions



*Excerpt,
Exhibit 2K*

Issues on Appeal

1. Third Story

- a. Parapets are roof top architectural elements
- b. No special exception obtained to remove parapets

2. Penthouse

- a. Roof area is a penthouse
- b. Exceeds area limit, no setbacks

3. Side Yard

- a. To be addressed by Intervenors

Third Story

The list of roof top architectural elements is only illustrative

- 11-E DCMR § 206.1(a)
 - “A roof top architectural element original to the building *such as* cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered....”
 - This list is illustrative, not exhaustive
 - Common usage
 - Other Zoning Regulations
 - ZRs’ interpretive guidance

Third Story – Other Zoning Regulations

11-H DCMR § 1101.4(c)

“In the NC-3 zone, no dwelling or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a **transient use such as hotel or inn....**”

11-U DCMR § 301.1(h)(4)

Permits boarding houses in RF-zoned properties as long as “no advertisement is displayed or published on or off the premises holding out the establishment to be a **hotel, motel, inn, hostel, bed and breakfast, private club, tourist home, guest house, or other transient accommodation.**”

Third Story – Interpretive Guidance

11-A DCMR § 101.1(b)

“In their interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to:

...

(b) Prevent undue concentration of population and the overcrowding of land

....”

Third Story

Parapets are roof top architectural elements

- Elements in § 206.1(a) do not have to be attached to roof
- Roof top architectural elements
 - → Elements that complement the roof
 - Parapets
 - Accent roof line
 - Protect roof top gardens and solar panels
 - Prevent water damage to exterior
 - Prevent falls
- Implied in other District laws and regulations

Penthouse

The roof structure here is a penthouse

- Zoning Regulations
 - *Penthouse*: “A structure on or above the roof of any part of the building”
 - *Structure*: “...anything attached to something having a permanent location on the ground”
 - Parapets here were attached to external walls, possibly roof
- Penthouse has roofdeck features
- Property Owner has referred to roof structure as a roofdeck

Penthouse

- Exceeds size maximum
 - RF-1: Penthouse limited to 1/3 roof area
 - Penthouse here covers entire roof area
- Lacks setbacks
 - Penthouse must have 1-to-1 setbacks
 - Penthouse has no setbacks

