

BZA Application No. 21051A

**1836-1840 Kalorama Road, NW
1840 Kalorama, LLC
July 3, 2024**

Board of Zoning Adjustment
District of Columbia
CASE NO.21051A
EXHIBIT NO.19

Overview and Requested Relief

- The Property is located in the RA-2 zone district and is improved with two separate portions of a single building, which are currently connected.
- In BZA Case No. 21051, the Board granted special exception relief for parking screening and lot occupancy, to allow the project, including the construction of a rear addition and penthouse, and to convert the building to eleven residential units.
- The Applicant has determined that the penthouse walls are not of a single, uniform height and require relief from the penthouse requirements of C-1503.4, pursuant to C-1506.
- Accordingly, the Applicant is requesting a Modification of Significance to add the penthouse relief.

Community and Agency Support

- The Office of Planning recommends approval.
- ANC 1C voted unanimously in support of the application and the modification.

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Washington, DC 20009



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24 JAN 2024 BZA SET

JONATHAN KUHN ARCHITECT
508 KENNEDY STREET NW WASHINGTON DC 20001
T: 202.494.5061
JONATHAN@KUHNARCHITECT.COM
WWW.KUHNARCHITECT.COM

JK^A

JK_A

JONATHAN KUHN ARCHITECT

508 KENNEDY STREET NW, #313
WASHINGTON DC 20011
T: 202.494.5061
JONATHAN@KUHNARCHITECT.COM
WWW.KUHNARCHITECT.COM

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ISSUE RECORD
24.JAN.2024
BZA SET
REVISION SCHEDULE
NO. DATE

SEAL

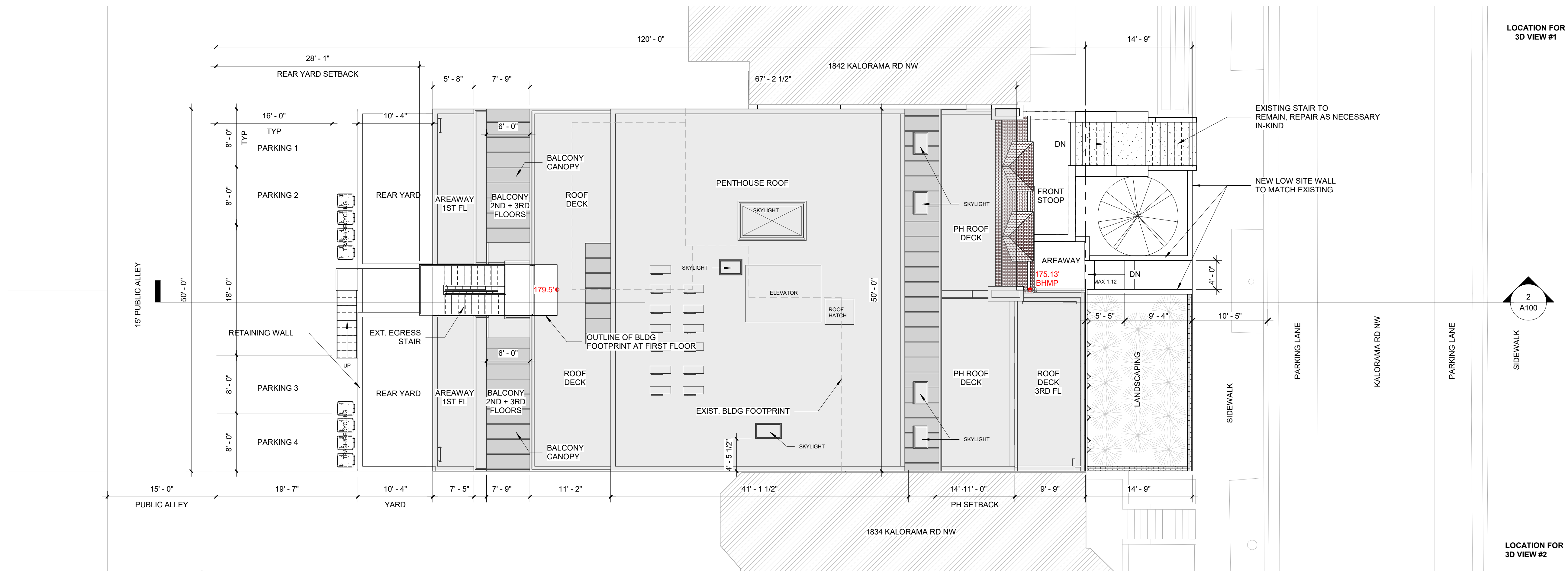


SHEET NAME
SITE PLANS + SECTION

SCALE
1/8" = 1'-0"

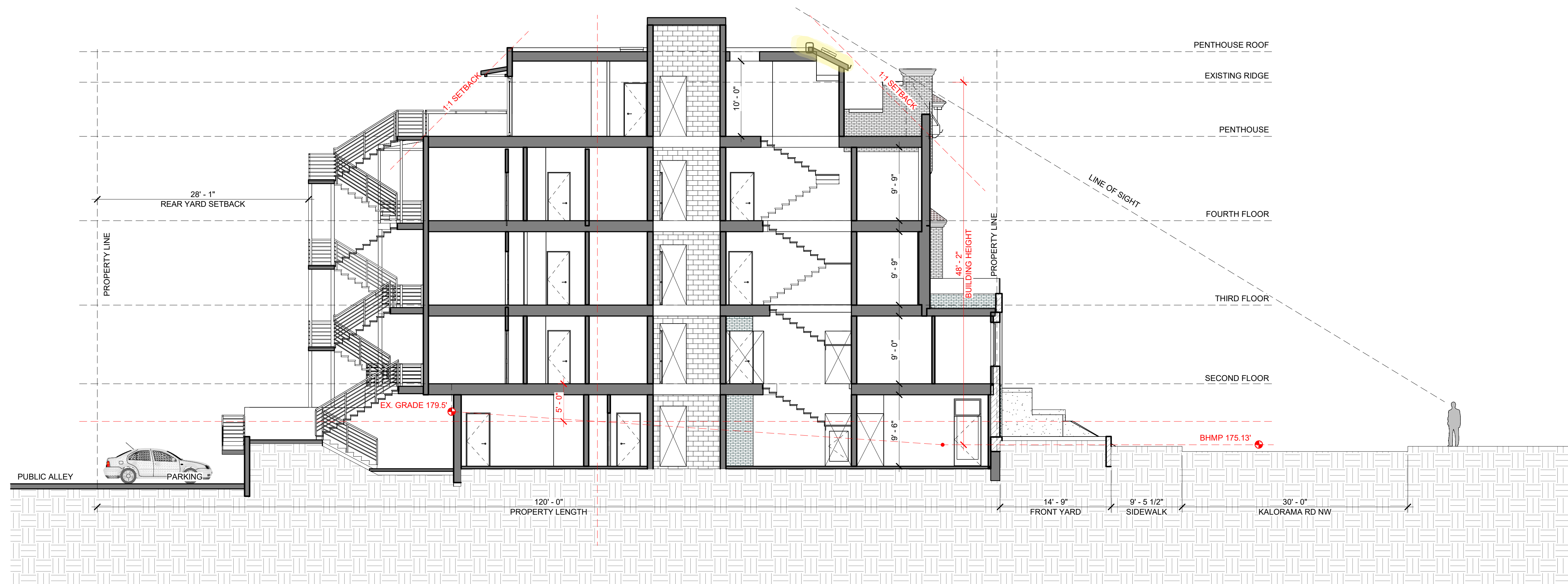
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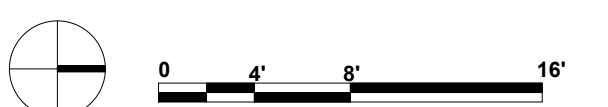
1 PROPOSED SITE PLAN

1/8" = 1'-0"



2 SITE SECTION

1/8" = 1'-0"



Justification for the Modification

Subtitle 11-Y DCMR § 704 outlines the requirements for a modification of significance. The Applicant has provided all materials outlined in Y § 704.2. Further, Y § 704.2(b) requires that the Applicant provide the “nature of, reason(s), and grounds for the modification of significance.”

- After BZA approval, during the permitting process, it has been brought to the Applicant’s attention that the BZA approved plans do not meet the penthouse enclosing wall requirements of Subtitle C, Section 1503.4(a), which requires that “[w]alls enclosing penthouse habitable space shall be of a single, uniform height.”
- The Property is located in the Washington Heights Historic District, and therefore, the plans are subject to HPRB approval. As part of the HPRB approval process, the penthouse walls were sloped in the front to limit its viewable height from the street.

General Requirements of § 901.2

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

- The penthouse walls are sloped, as requested by the Historic Preservation Office staff, and later approved by the Historic Preservation Review Board. Relief is available pursuant to C-1506.

Specific Requirements of C-1506

C-1506.1: Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to: (a) The applicant's demonstration of at least one (1) of the following:

(1) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

(2) The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;

(3) The relief requested would result in a penthouse or rooftop structure that is visually less intrusive; or

(4) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C § 115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable.

- The habitable penthouse design, as guided by HPO staff and approved by HPRB, includes a sloped height near the front of the Building in order to limit the view of the top of the penthouse. This design, therefore, results in a better design without appearing to be an extension of the building wall (the penthouse is also set back ten feet (10 ft.) from the front roof edge). The sloped front also makes the penthouse visually less intrusive, which was the exact purpose for the recommendation by HPO.