

**PRELIMINARY REPORT**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
Joel Lawson, Associate Director Development Review  
**DATE:** September 27, 2024

**SUBJECT:** BZA Case 21156, Request for special exception relief to allow a penthouse at 1351 C Street, NE.

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The Applicant wishes to provide a stairwell enclosure to the roof deck on the three story house in the RF-1 zone, and has requested special exception from maximum building height relief to allow a building of about 41 feet – ten inches in height, whereas a height of 35 feet is permitted by right.. This was requested pursuant to Subtitle E § 5202.1, which allows a building height of 40 feet by special exception in this zone. Any building height greater than 40 feet requires an area variance.

In addition, a penthouse does not count towards defined building height; if this stairwell were to count to building height, then it would have to be considered a “story” and this would result in a need for additional area variance relief from number of stories, as the existing building at three stories is the maximum permitted by right.

OP has discussed with the applicant that the incorrect relief has been requested, that the regulations of Subtitle C Chapter 15 should be used., and that OP could not support the relief as requested. The penthouse regulations would permit special exception review of the proposal (Subtitle C § 1501.1(c)). Alternatively, a solution other than a penthouse, such as an access hatch as appears to exist now, would be permitted by right.

While OP does not determine the relief requested, these discussions are unresolved. OP will provide a report with analysis and recommendation prior to a public hearing.