

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
MR. RICHARD WEINLAND
MS. SANDRA NOVO**

**1351 C ST NE
6A05**

STATEMENT OF THE APPLICANT

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. Richard Weinland and Ms. Sandra Novo, (the “Applicant”), as the owners of 1351 C St NE, (the “Property”), (Square 1033, Lot 149). The Applicant seeks Special Exceptions relief to allow a stair penthouse to access an approved roof deck addition in the RF-1/CAP District. The Property is presently a 3 story rowhouse 2-unit building. The requested relief to title 11 DCMR is:

1. Penthouse height may not exceed the maximum building height of 35 feet. The existing structure is 32’-10”. The proposed penthouse would increase the building height to 41’-10”. A Special Exemption is requested as per Section Subtitle C-§1501.1(c)

This relief is being requested due to the recent Zoning Commission’s ruling in Case 14-13F which made all penthouses in the RF-1 District subject to the 35ft height limit.

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exceptions requested herein pursuant to 11 DCMR Subtitle X-§901.2 of the 2016 Zoning Regulations.

BACKGROUND INFORMATION OF THE PROPERTY

The property is a mid-block 2-unit Flat in a RF-1 zoned lot of 1463 square feet improved by a three-story brick, attached structure originally constructed in 1911. The structure contains 2508 sq. ft. of livable area covering 868sq. ft. of the lot (59%). The building is flanked to the east and west by 2 story townhouses. The opposite (north) side of C St NE also consists of two-story townhouses. There is an alley in the block. The structure sits on the front property line. The existing pervious surface area will not be

changed. There is a property two lots to the East that has a solar installation. The proposal will not impact a chimney within 10 feet.

The property is within the boundaries of ANC 6A, not located within an Historic District and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites. However, the lot is within the Capitol Interest Area (CAP).

DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA

Square 1033 is in the Capitol Hill neighborhood. The square is bounded by C St NE to the north, 14th Street NE to the east, Constitution Ave NE to the south with Tennessee Ave NE to the west and bisected by Warren St NE. The square is a RF-1/CAP zoning district containing residential structures, entirely attached rowhouses. The lots fronting C St NE are in groups of varying sizes e.g. 750, 1080, and 1249 sq. ft. Lots on the north side of C St, opposite from the applicant's lot, contain row dwellings with a uniform lot configuration. The surrounding squares are similarly developed with row house units.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Applicant is proposing to construct a penthouse for access stairs and storage area to an existing roof deck. The existing roof height is 32'-10". The proposed penthouse will exceed the allowed 35ft height. The penthouse will be 8'-2" x 10'-3" with an auxiliary space of 2'-9" x 10'-3" (<30 sq ft) and a height not to exceed 9ft. The proposed penthouse meets the side yard requirements.

The structure was constructed in 1911 and became non-conforming with introduction of the 1958 Zoning Regulations and perpetuated by the 2016 Zoning Regulations. Aside from the request for the height exception, the Project complies with the development standards for the RF-1/CAP zoning district. The Project will not affect the main façade's existing architectural elements.

NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

The Board of Zoning Adjustment is authorized under §8 of the Zoning Act, D.C. Official Code §6-641.07(g)(2), to grant special exceptions, as provided in DCRM Chapter 11, Subtitle X §901.2, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is in the RF-1 zone; "The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted." The Property will remain a 2-unit row dwelling with no change in the existing roof deck. The penthouse is permitted via special exception approval. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The penthouse will not impact the light and air or privacy nor adversely affect the use of neighboring properties because the applicant is not proposing a change from the existing use of the roof deck, as more fully described below.

The Applicant's compliance under §901.3 with those requirements is:

THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS

Subtitle E, Section 5203.1 provides relief for the applicant by special exception subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) for a principal residential building and any additions thereto located on a non-alley lot subject to the following conditions:

(a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

The penthouse is at the mid-point of the property, shadows will only be cast onto the adjoining unoccupied roof structures. Therefore, the light and air of adjacent neighbors will not be negatively impacted. There is an existing solar energy system two properties east of the proposed construction. An Agreement has been reach with the property owner who has provided a Letter of Support for the proposed penthouse.

(b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction's height to adjacent buildings and views from public ways; and

The Applicant has provided graphical representations vis-à-vis plat, plans, elevations, sections, and photographs to represent the project and its relationship to the adjacent buildings and views from the public way.

- (1) The light and air available to neighboring properties shall not be unduly affected; The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

The privacy and use of enjoyment of the neighboring properties shall not be unduly compromised. This penthouse stair provides a more accessible means to an existing roof deck.

- (2) The proposed construction, 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 subject street or alley;

The project will conform to the character, scale, and pattern of the houses on the block. The penthouse will not be visible from across the street.

In addition to these standard criteria for a Special Exception, Section E-403.1 requires the Board shall consider whether the proposed development is:

1. (a) Compatible with the present and proposed development of the neighborhood;
2. (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and
3. (c) In accordance with the plan promulgated under the Act.

The Applicant believes the proposed penthouse is compatible with the neighborhood, consistent with the goals of the Capitol Master Plan since the addition will not be visible from the street.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted,

Richard Weinland
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