

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

**APPLICATION OF
MR. JAMES WILLIAMS**

**1647 WEST VIRGINIA AVE NE
5D05**

STATEMENT OF THE APPLICANT

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. James Williams, (the “Applicant”), as the owner of 1647 West Virginia Ave NE, (the “Property”), (Square 4054, Lot 57). The Applicant seeks Special Exceptions relief to allow a stair penthouse to access a proposed roof deck addition in the RF-1 District. The Property is presently a 2-story end rowhouse 4-unit building. The requested relief to title 11 DCMR is:

1. Height (Subtitle E-§203.2) allows a maximum building height of 35 feet. The existing structure is 23’-6” with a proposed 3rd story to a height of 33’-7”. The proposed penthouse would increase the building height to 42’-7”. A Special Exemption is requested as per Section Subtitle C-§1501.1

This relief is being requested due to the recent Zoning Commission’s ruling in Case 14-13F which made all penthouses, not just those that are habitable, in the RF-1 District subject to BZA approval if they exceed the maximum building height of 35ft height.

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 an end-block 4-unit apartment in a RF-1 zoned through lot of 2877 square feet improved by a two-story brick, attached structure. The proposed structure will contain 6621 sq. ft. of livable area covering 1724sq. ft. of the lot (59.9%). The building is flanked to the southwest by a 3-story townhouse with primarily two-story townhouses and some improved three-story townhouses on the remainder of the block. The opposite (north west) side of Virginia Ave NE also consists of two-story townhouses.

The rear of the lot abuts 11th Pl NE. The structure sits on the front building restriction line. The pervious surface area requirements will be met. The property to the south west has no solar installation. The proposal will not impact a chimney within 10 feet.

The property is within the boundaries of ANC 5D, not located within an Historic District and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites.

DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA

Square 4054 is in the Trinidad neighborhood. The square is bounded by Raum St NE to the north east, Montello Ave NE to the south east, Holbrook Ter NE to the south west with West Virginia Ave NE to the north west and bisected by 11th Pl NE. The square is a RF-1 zoning district containing residential structures, entirely attached rowhouses. The lots fronting West Virginia NE are uniform width with increasing depths of varying sizes from the Property's at 2788sq ft up to 4992sq ft at the end of the block. Lots on the north west side of West Virginia Ave NE, opposite from the applicant's lot, contain row dwellings with a uniform lot configuration and an edge of Gallaudet University. The surrounding squares are similarly developed with row house units.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Applicant is proposing to add a 3rd story to an existing 2 story 4-unit apartment building including a penthouse for access stairs and storage area to a roof deck. The existing roof height is 23'-6" with new building height of 33'-7". The proposed penthouse will exceed the allowed 35ft height. The penthouse will be 8'-8" by 25'-5" with a height not to exceed 9ft. The proposed penthouse meets the side yard requirements.

Aside from the request for the height exception, the Project complies with the development standards for the RF-1 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 Property will remain a 4-unit apartment building. The immediately adjacent structure has added a 3rd story as is proposed for this Property. 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 since the roof deck will be at the same level as the adjoining structure.

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 are no existing or permitted solar energy systems in proximity to the proposed construction.

(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 the proposed 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.

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,

for


James Williams
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