

July 24, 2018

To: DC Office of Zoning

441 4th Street, NW, Suite 200S
Washington, DC 20001

Clarification regarding height of Accessory Structure

Certain letters in opposition to the proposed accessory structure at 3520 S St NW have mentioned the proposed height of the structure as a reason to deny the variance. Applicant does not seek relief from the height requirements for an accessory building, and it has been confirmed by the Zoning Administrator that the revised proposed design for the structure complies with by right height restrictions, as illustrated in Exhibit 9 of the case records. As such, the structure's proposed height is not a reason to deny the zoning relief sought.

I would, nonetheless, like to take the opportunity to clarify the rules of measurement for the height of such an accessory structure. Section 5002 of Subtitle D of the Zoning Regulations of 2016 outlines specific rules for the measurement of accessory structures:

5002 HEIGHT

5002.1 The maximum height of an accessory building in an R zone shall be two (2) stories and twenty feet (20 ft.), including the penthouse. The height of an accessory building permitted by this section shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building.

The height of the proposed structure was revised prior to the submission of the current application for a variance, in response to the Notice of Cancellation of Permit issued on January 5, 2018, Exhibit No. 8 in the documents folder, and in response to concerns raised during the initial application for BZA relief regarding the height of the proposed structure. In fact, instead of requesting additional relief from the BZA, we took the initiative to bring the height of the structure into compliance, despite the loss of interior ceiling height and the need to lower the structure to below alley level, bringing an additional level of complexity and cost to the construction of such structure.

The height of the structure was measured based on the rules outlined in section 5002.1, from finished grade on the side of the building facing the principal dwelling structure.

The revision was then sent to Mr. LeGrant, Zoning Administrator for review, who offered the following in response (Exhibit 9 of case records):

“Catrina Ferreira, AIA, NCARB:

My profound apologies as I missed and did not review your January email. I have now reviewed the email and its attachments for the proposal to lower the accessory building and slightly ‘sink it’ into the ground, which reduces the number of feet of height of the accessory building from 18’ 4 ¾” to 15’. The change is an attempt to address the missing relief under D-1209.4 for BZA Case #19521. That section reads as follows:

D-1209.4 In the R-20 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of fifteen feet (15 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of one (1) story.

So with the changes, the new design does meet the maximum number of feet height limit of fifteen feet (15 ft.); it also conforms with the maximum building area [footprint] limit by having 398 sqft, where 450 sqft is allowed; however, it has two stories where only one story is allowed.

As we previously discussed, all of the relief necessary under BZA Order 19521 was not obtained. Although the plans submitted to the BZA showed that the structure contained 2 stories, relief was also needed from Section D-1209.4 to permit both exceeding the 15 foot height and the 2nd story in the accessory building. Your re-design does address meeting the 15 foot maximum linear feet height limit, but the plans still show it has two stories.

In order to keep the two stories you would have to return to the BZA to modify BZA 19521 to permit the 2nd story, and incorporate the other changes made to the height.

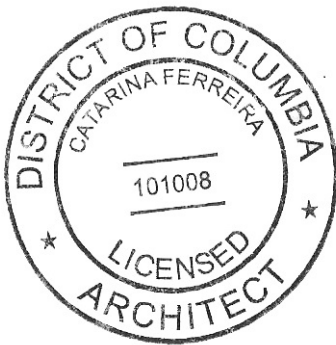
Again, my apologies for not addressing your previous email to me.

Please let me know how you would like to proceed.

Matthew Le Grant | Zoning Administrator, Office of the Zoning Administrator
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Please do not hesitate to contact me with any additional questions or concerns.

Sincerely,



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