

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: February 25, 2021

SUBJECT: BZA Case 20409 (102 9th Street, SE) to permit a new penthouse stair enclosure and rooftop deck on a single household row building.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot provide a recommendation** for the following special exception relief requested by the applicant:

- Penthouse Enclosure, Subtitle C § 1500.4, pursuant to Subtitle X § 901.2 (a penthouse enclosure on a row house is permitted only by special exception).

On December 29, 2020, OP notified the Office of Zoning (OZ) and Office of the Attorney General (OAG) that the application appeared to be incomplete. The burden of proof responded to variance relief criteria although the application was filed as a special exception. Further, the application was self-certified (Exhibit 2) and, based on the submitted plans (Exhibit 9), it appeared that there were several areas of additional zoning relief that may be required for the proposal. While OP does not interpret the Zoning Regulations as that is the responsibility of the Zoning Administrator, OP did note the applicant needed to confirm whether the proposal would conform to rear setback, side setback, front setback, and other aspects of the zoning regulations pertaining to the proposed penthouse.

OAG advised OZ to reach out to the applicant to explain the concerns raised by OP and advised them that they should contact the Zoning Administrator for a final zoning determination memo on the relief required for the proposed penthouse.

To date, the applicant has not supplemented the record with a zoning determination memo or with additional information on the proposal. The applicant has indicated to OZ and OP that they would like to proceed forward with the public hearing for the application as currently submitted.