

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12715 of National Corporation For Housing Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow two roof structures on the same roof in the R-5-C District at the premises 2001 - 15th Street, N.W., (Square 204, Lot 207).

HEARINGS DATES: August 23 and September 27, 1978

DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located on the east side of 15th Street, N.W. between U and V Streets and is known as 2001 15th Street, N.W. It is in an R-5-C District.
2. The subject property is improved with an apartment house for the elderly known as the Campbell Heights Apartments. It is a Shaw School Urban Renewal Project.
3. The improvement is a precast concrete system and includes two roof structures for stairway and elevator penthouses.
4. The roof structures were completed prior to the approval of the BZA either by mistake on the applicant's part or through erroneous information the applicant received from governmental agencies.
5. The applicant is now requesting a waiver of the Zoning Regulations requiring a single penthouse on the roof of a highrise structure.
6. The subject roof structures differ in their height from the roof level. The stairway structure is 8.67 feet high and the elevator structure is 17.34 feet high. Both measurements are taken from the roof slab to the highest point in the penthouse.

7. Because of the pre-cast nature of the structure and its support systems, it would be impracticable for the Board to require that a concrete or masonry enclosing wall be erected to shield the structure.

8. The roof structures are of the same architectural character, material and color as the main structure.

9. The roof structures are visible from the ground level only at a distance of one block from the structure.

10. Municipal Planning Office by report dated August 18, 1978 recommended that the application be granted on the grounds that the constructed roof structures operate to improve the internal circulation of the building; that they will not tend to affect adversely the use of the neighboring property and are in harmony with the intent and purpose of the Zoning Regulations. The Board so finds.

11. Advisory Neighborhood Commission 1B filed no recommendation on the application.

12. A neighborhood property owner objected to the design of the roof structures as ugly and disparate with the view from her rooftop.

CONCLUSIONS OF LAW AND OPINION:

The Board is always concerned where it is requested to decide an application where the subject matter of the application has proceeded to completion without the Board's consideration. Herein the Board finds that the two roof structures are completely constructed and the Board is requested to sanction the operation. The Board in this case does not find that the action was malicious. The Board concludes that an honest mistake was made but cautions this applicant and future applicants to be more diligent in the future.

It would be impracticable and unreasonable to order the structures to be brought into compliance because of the cost and operational difficulties. The Board is aware of the need for housing for the elderly and that the application was unopposed except as to the appearances of the structures. The Board is empowered under Sub-section 3308.2 of the Zoning Regulations to approve the application provided the intent and purpose of this section is not materially impaired thereby and the light and air of adjacent buildings are not affected adversely and this the Board so finds.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the roof structures shall be enclosed with a light-weight material similar in color to the facade of the building with enclosure plans to be approved by the Municipal Planning Office.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris Chloethiel Woodard Smith and Leonard L. McCants to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 18 OCT 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12715 of the National Corporation for Housing Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow two roof structures on the same roof in the R-5-C District at the premises 2001 - 15th Street, N.W., (Square 204, Lot 207).

HEARING DATE: August 23 and September 27, 1978

DECISION DATE: October 4, 1978

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant) subject to the CONDITION that the roof structure shall be enclosed with a light weight material similar in color to the facade of the building with enclosure plans to be approved by the Municipal Planning Office  
FINAL DATE OF ORDER: October 18, 1978

O R D E R

Section 5:45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment states that a motion for Reconsideration/Rehearing must be carried by four affirmative votes. At its meeting of December 6, 1978, a motion by Charles R. Norris, seconded by William F. McIntosh to grant failed for lack of four affirmative votes (Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant; Chloethiel Woodard Smith and Walter B. Lewis opposed). It is therefore ORDERED that applicants Motion for Reconsideration dated October 25, 1978 is DENIED.

DECISION DATE: December 6, 1978

VOTE: 3-2 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant motion; Chloethiel Woodard Smith and Walter B. Lewis opposed).

ATTESTED By:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 11 DEC 1978

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12715, of the National Corporation for Housing Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to allow two roof structures on the same roof in the R-5-C District at the premises 2001 - 15th Street, N.W., (Square 204, Lot 207).

HEARING DATE: August 23 and September 27, 1978

DECISION DATE: October 4, 1978

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to GRANT) subject to the CONDITION that the roof structure shall be enclosed with a light weight material similar in color to the facade of the building with enclosure plans to be approved by the Municipal Planning Office

FINAL DATE OF ORDER; October 18, 1978

ORDER

By letter dated October 25, 1978, the applicant requested the Board to reconsider its decision to impose the condition on the granting of the application. Section 5.45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment states that a motion for Reconsideration/Rehearing must be carried by four affirmative votes. At the public meeting held on December 6, 1978, a motion by Charles R. Norris, seconded by William F. McIntosh to grant the motion for Reconsideration failed for lack of four affirmative votes, by a vote of 3-2 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT; Chloethiel Woodard Smith and Walter B. Lewis OPPOSED). The Board entered an Order dated December 11, 1978 DENYING the motion.

On the same day as the vote to deny the Reconsideration, Dr. Walter B. Lewis, a member of the Board, sua sponte requested the Board to reconsider the application again. The Board took up the matter at its public meeting held on February 28, 1979. On a motion made by Charles R. Norris, seconded by William F. McIntosh the Board determined that it had made an error in its decision to impose the condition and agreed to reconsider the case by a vote of 5-0 (Charles R. Norris, William F. McIntosh, Leonard L. McCants and Chloethiel Woodard Smith to reconsider, Walter B. Lewis to reconsider by proxy).

The Board finds that the roof structures as originally proposed and constructed by the applicant are not visible from the street. The Board finds that the elevator penthouse is located in the center of the building, and rises to a height of approximately seventeen feet, four inches above the level of the roof. The Board finds that the stairs at the south end of the building extend to the roof, with the penthouse approximately eight feet, eight inches above the level of the roof. The Board finds that the penthouses are enclosed with the same kind of material as the main structure. The Board finds that in order to comply with code requirements of the District of Columbia regarding means of egress, the stair towers are located as far as possible away from the elevator core, and the two penthouses on the roof are thus separated by more than seventy feet.

The Board concludes that the requirements to separate means of egress in residential buildings creates a practical operating difficulty to support the waiving by the Board of the requirement that all penthouses be in one enclosure. The Board concludes that the subject roof structures are not obstrusive architecturally or aesthetically and do not adversely affect the adjacent buildings by blocking light or air. The Board finally concludes that the above application as originally submitted will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. Accordingly, it is hereby ORDERED that the application be GRANTED WITHOUT ANY CONDITIONS as originally imposed by the Board.

VOTE: 5-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to GRANT, Walter B. Lewis to GRANT by PROXY).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D.C.

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 21 MAR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.