

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13052 of Carla and Eric Peterson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from Paragraph 3308.12 to allow an unenclosed solar collector on the roof in an R-4 District at the premises 320 - 10th Street, N.E. (Square 938, Lot 21).

HEARING DATE: October 24, 1979

DECISION DATE: October 24, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of 10th Street, N.E. between C and D Streets. and is known as 320 - 10th Street, N.E. It is in an R-4 District.
2. The subject site is improved with a two story and basement brick, semi-detached dwelling and a one car garage in the rear yard.
3. The subject dwelling has a flat roof. The applicant has constructed a roof structure consisting of fifteen solar panels with the reflective surface facing south. The structure is 4.5 feet high and is unenclosed.
4. Paragraph 3308.12 of the Zoning Regulations requires that all penthouses and mechanical equipment shall be placed in one enclosure, same to harmonize with the main structure in architectural character, material and color. Enclosing walls from roof level shall be of equal height and shall rise vertically to the roof.
5. A chimney and the front crown of the subject property are higher than the roof structure.
6. The subject dwelling and the roof structure are within the overall maximum height allowed in the R-4 District.
7. The roof structure and solar panels are generally not visible from the street.
8. Solar collectors do not emit noise, odor or smoke in their operation.

9. The applicant has indicated that the solar collectors are designed to provide sixty percent of the dwelling's hot water and space heating needs annually. There is a conventional gas heating system which serves as a back up to the collector system.

10. The Office of Planning and Development, by report dated September 17, 1979, recommended approval of the application. The report stated as follows:

"The Office of Planning and Development recommends that this application be approved. OPD does not believe that the applicant's request will cause substantial detriment to the immediate environment of the subject site. The solar panels in question are below the chimney heights of the abutting property to the south and is barely visible to the properties to the east. Unlike conventional penthouses and mechanical equipment roof structures, solar panels can not be enclosed or their effectiveness in utilizing the suns energy is made nil. The two story premises is located in the R-4 District which allows building height of three (3) stories or 40 feet. The highest point of the collector from the alley grade is 36 feet. OPD is of the opinion that the solar collector's physical appearance does not clash with the architectural style of the building facades along 10th Street. The collector is set back from the roof edge enough distance to substantially remove it from view. OPD is of the opinion that an exceptional practical difficulty would befall the applicant if variance relief is not granted. The national policy to utilize solar energy and the comparative cost of fossil fuels has inspired many citizens to try alternative energy forms to heat their homes. OPD supports this application as it will not cause substantial detriment to the public good, or impair the intent, purpose, and integrity of the Zoning Regulations and Map." The Board so finds.

11. The Energy Unit of the OPD submitted a memorandum, dated September 14, 1979, in support of the request for the variance.

12. There was no opposition to the application.

13. Advisory Neighborhood Commission - 6A, by letter of October 15, 1979, stated it was in favor of granting the variance relief.

14. Many residents of the 300 block of 10th Street signed a petition in favor of the application. The D.C. Colar Coalition recommended approval of the application.

CONCLUSIONS OF LAW:

Sub-section 3308.2 of the Zoning Regulations provides that where impracticable because of operating difficulties which would tend to make full compliance unduly restriction or unreasonable the BZA is empowered to approve the location and design of any or all of such structures 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. Based on the findings of fact and more particularly the report of the OPD the Board concludes that solar panels cannot be enclosed or their effectiveness in utilizing the sun's energy is voided. The Board takes note of the world's need for further energy resources. In the subject application, the Board concludes that the arrangement of the solar panels will not create substantial detriment to the public good nor impair the intent, purpose, and integrity of the zone plan. Accordingly, it is ORDERED that the variance is GRANTED.

VOTE: 4-0(Walter B. Lewis, Charles R. Norris, William F. McIntosh (and Leonard L. McCants to GRANT, Chloethiel Woodard Smith not present, not voting).

BY ORDER OF THE DC BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 DEC 1979

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OT LICENSES, INVESTIGATIONS, AND INSPEC-TIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."