


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director for Development Review

DATE: March 20, 2025

SUBJECT: BZA #21194 – 11837 Vernon Street, NW – Request for relief to construct an addition to an existing row dwelling

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested relief:

- *Special exception:* F § 207, pursuant to F § 5201.1(b) – Rear Yard (15 ft. required; 10 ft.2” existing; 2 ft. proposed);
- *Area variance:* F § 201, pursuant to X § 1000 – FAR (1.8 Max; 2.2 existing; 2.23 proposed);
- *Area variance:* F § 210, pursuant to X § 1000 – Lot Occupancy (60% Max; 70% permitted by special exception; 84.19% existing; 87.70% proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	Karen Marsh, owner
Address	1837 Vernon Street, NW
Legal Description	Square 2555, Lot 36
Ward / ANC	Ward 1, ANC 1C
Zone	RA-2 – Moderate density multifamily buildings
Historic District	Washington Heights Historic District
Lot Characteristics and Existing Development	Rectangular rowhouse lot, 16.66 ft. x 104 ft. 15 ft. wide alley to the rear. Existing four-story plus cellar single family dwelling. Detached garage at rear. Site slopes up from front to rear, such that the garage is at the first floor level, rather than the cellar level.
Adjacent Properties and Neighborhood Character	Adjacent buildings are row buildings. The building to the west appears to have been built with the subject property. The building to the east is one story shorter. Surrounding neighborhood is a mix of rowhouses and small apartment buildings.

Proposal	Add an enclosed stair and exterior walkway to access a new apartment on the existing 4 th floor. The apartment is a matter of right use. The enclosed stair at the 4 th floor would add 64 square feet to the building area. The new walkway would connect the existing principal building with the existing garage. This would have the effect of making the garage part of the principal building, reducing the rear yard to 2 feet behind the garage, and adding about 61 square feet of footprint – the area of the connecting walkway – to the lot occupancy.
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III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Item	Regulation	Existing	Proposed	Relief
Lot Area	n/a	1,733 sq.ft.	No change	Conforming
Lot Width	n/a	16.66 ft.	No change	Conforming
Lot Depth	n/a	104 ft.	No change	Conforming
FAR F 201	1.8	2.20 ~3,805 sq.ft.	2.23 ~3,869 sq.ft.	Requested Area Variance
Height F 203	50 ft.	44 ft.	No change	Conforming
Rear Yard E 207	15 ft. min.	10 ft.2 in.	2 ft.	Requested Special Exception
Lot Occupancy E 210	60% max. 70% permitted by sp. ex.	84.19% ~1,459 sf	87.70% ~1,520 sf	Requested Area Variance

IV. ANALYSIS

Special Exception from Rear Yard – Subtitle F §§ 207, pursuant to F § 5201 and X § 901

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) *Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) ***Yards***, including alley centerline setback;
- (c) *Courts; and*
- (d) *Green Area Ratio.*

The application requests special exception relief for rear yard.

5201.2 and 5201.3 Not applicable

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a) The light and air available to neighboring properties shall not be unduly compromised;

The light and air available to adjacent properties should not be unduly affected. The new exterior walkway that triggers the rear yard relief may create a small amount of shadow on the property to the west, although some of that may fall on the rear parking area and a lower level roof. Although the location of the rear yard measurement would change to the rear of the garage, the physical structure of the garage would not change from the present condition, so impacts from that portion of the building would also remain unchanged.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The privacy of neighboring properties should not be unduly compromised. Creation of the walkway could create new viewpoints onto adjacent properties, although people are not expected to linger in that location, and the views would not be significantly different from the views from the existing rear deck.

(c) The proposed addition or accessory structure, together with the original building, or the new building, 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 street or alley frontage; and

The proposed walkway, which would trigger the rear yard relief, might be slightly visible from the alley, but would not significantly alter the character of the built environment. Although the location of the rear yard measurement would change to the rear of the garage, the physical structure of the garage would not change from the present condition. Other portions of the project not directly related to the rear yard measurement, such as the new exterior stair, might be visible from the alley, but would not be significantly different from the rest of the alley, which has a variety of rear additions, rear decks, and stairs.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.

The application materials include plans, elevations, photos and site plans.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP recommends no special treatments.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

Granting relief would not result in the introduction of a nonconforming use.

Subtitle X § 901.2

901.2 (a) [Granting the special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the requested rear yard relief should not impair the intent of the Regulations – to ensure open space on a lot, and to facilitate adequate light and air both to the subject property and to adjacent properties. The footprint of actual buildings – the garage and the main house – would not change; The way the rear yard is measured is only changing because the walkway is rendering the garage part of the principal building. The walkway would cover a portion of the open space on the lot, but should not significantly decrease access to light or air available to the subject property or adjacent properties.

901.2(b) [Granting the special exception] Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

As addressed in the above analysis, the requested special exception for rear yard would not appear to adversely affect the use neighboring property. There should be no undue impacts regarding factors such as light, air or privacy.

Variances from FAR and Lot Occupancy – Subtitle F §§ 201 and 210, pursuant to X § 1000

The application requests variance relief for FAR and lot occupancy, which the Board is authorized to grant pursuant to X § 1000. The application must meet the three-part area variance test, which is analyzed below.

i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner

a. Extraordinary or Exceptional Situation

The subject property exhibits exceptional conditions. For over 30 years, the building was used as

and configured for a group house. This means that the top floor has the plumbing and electrical needed for a separate dwelling unit. The layout of the house in general, however, does not lend itself to creating a separate unit on the top floor with separate access to the exterior. The only reasonable way to create access to the top floor is from the rear. This would include an exterior walkway and stair, and an interior stair going from a back door at the 3rd floor up to the 4th floor, including a new enclosure for the stairs at the 4th floor level.

The new enclosure would add 64 square feet to the building area, increasing FAR from 2.20 to 2.23. The new exterior walkway connecting the garage to the main house would add 61 square feet to the building footprint, increasing the lot occupancy from 84.19% to 87.70%.

b. Strict Application of the Zoning Regulation Would Result in Exceptional Practical Difficulties

Strict application of the regulations would result in practical difficulties for the applicant. If the applicant could not create the new access stair and walkway from the rear of the property, access would need to be created inside the building. A new separate stair would require a massive reconstruction of the interior, likely with the loss of significant living area for the owner. Even if rear access could somehow be provided to the 3rd floor on the rear exterior without building the walkway from the garage, it would be practically difficult to then build the new stair to the 4th floor completely within the existing building envelope. The existing 3rd floor has stairs down to the 2nd floor and a bathroom that would likely need to be relocated to accommodate a separated hallway and new interior stairs. The proposal, therefore, to add 64 square feet to house the new stair enclosure would minimize the difficulty to the applicant, and the efficiency of the design. The proposed design would impact the rear 3rd floor bedroom, but would not impact the existing stair and bathroom, minimizing disturbance to the existing layout. Similarly, an alternative layout that does not impact lot occupancy could require a completely interior accessway, with substantial difficulties.

ii. No Substantial Detriment to the Public Good

Granting the relief should not result in a substantial detriment to the public good. Permitting an increase in floor area of 64 square feet and an increase in building footprint of 61 square feet should not unduly impact adjacent properties. The new walkway connecting the garage would slightly increase lot occupancy, but would not substantially alter the built form of the property. Nor should it result in significant impacts to light or air available to adjacent lots. The additional floor area would only be for the new stairwell enclosure at the 4th floor level, above the existing 3rd floor roof, with minimal visibility to adjacent properties or the alley. The variances would not result in a nonconforming use or an actual residential density beyond that contemplated by the apartment zone.

iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

Granting the requested relief should not impair the intent of the Regulations. While the

Regulations intend to limit the bulk of buildings and cap building footprints, they are not intended to preclude a matter of right use from utilizing an underused portion of a building. The general purposes of the RA zones (F § 101.2) include promotion of “stable residential areas while permitting a variety of types of urban residential neighborhoods”, promotion of a “walkable living environment”, and encouraging “compatibility between the location of new buildings or construction and the existing neighborhood”. Granting the proposed relief would help achieve those goals by permitting access to the upper floor of the building in a way that minimizes visibility and also minimizes construction disruption to the homeowner and neighbors, all while creating a new housing unit.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing there are no comments from other District agencies in the record.

VI. ANC COMMENTS

Exhibits 18A and 37 are ANC 1C reports in support of the application.

VII. COMMUNITY COMMENTS

As of this writing there are no comments from the community in the record.

VIII. VICINITY MAP

