

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Philip Bradford, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** September 26, 2025

**SUBJECT:** BZA Cases 21347 and 21348 — Area Variance to permit a fourth story to existing attached four-story principal dwellings in the R-1B zone.

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

- Area Variance from Subtitle D § 203.2 pursuant to Subtitle X § 1002

### **II. BACKGROUND**

The properties subject to Case Numbers 21347 and 21348 were developed together and part of the same subdivision application to create two separate lots. Given the shared history, identical relief requested, and contiguous lots of the subject properties, OP has written one report to address both cases.

The Building Permit B1907554 (3564 Alton Place NW) and B1901341 (3566 Alton Place NW) were applied for in 2019, and then extended, then revised in 2021 under a different applicant. Based on meetings with The Department of Buildings (DOB) and permit records in SCOUT, the design of the proposed principal dwelling units has changed three times over the course of the construction process. The inspections were carried out through a third party, which may be a factor in the situation facing these properties. At some point during the permitting process for these two homes, the Building Height Measuring Point (BHMP) shifted due to revisions to garage and retaining wall that now cause both homes to exceed the permitting height and number of stories permitted for the R-1B zone.

The height issue was discovered three years after the homeowners purchased the homes from the developer, when the homeowners applied for new building permits to fix construction defects. DOB provided both homeowners with a ZA Referral Memo in order to address the height issue.

### **III. LOCATION AND SITE DESCRIPTION**

|                   |                                                                                                                                                                                  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address           | 3564 and 3566 Alton Place NW                                                                                                                                                     |
| Applicant         | 21347 - 3564 Alton Place NW: Sima J. Ghandi Management Trust and Richard Kyle Gurley Management Trust<br>21348 - 3566 Alton Place NW: The Audrey Goldman Barresi Revocable Trust |
| Legal Description | Square 1970, Lots 81 and 82                                                                                                                                                      |
| Ward, ANC         | Ward 3, ANC 3F                                                                                                                                                                   |

|                                    |                                                                                                                                                                                                                                                                                                     |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zone                               | R-1B, low density detached dwellings                                                                                                                                                                                                                                                                |
| Historic District                  | None                                                                                                                                                                                                                                                                                                |
| Lot Characteristics                | 3564 Alton Place NW: Sima J. Ghandi Management Trust and Richard Kyle Gurley Management Trust<br>3566 Alton Place NW: Irregular trapezoidal lot approximately 42 ft. wide at Alton Place NW, 86 ft. wide at the rear with the side property lines 122 ft. at the east and 129 ft. deep to the west. |
| Existing Development               | Each property is developed with one four-story principal dwelling.                                                                                                                                                                                                                                  |
| Adjacent Properties                | The adjacent properties are predominantly single unit detached principal dwellings in the R-1B zone.                                                                                                                                                                                                |
| Surrounding Neighborhood Character | Single unit dwelling low-density residential. Sheridan School is to the east of the subject sites.                                                                                                                                                                                                  |
| Proposed Development               | To permit the fourth story and 42 / 43 ft. height where only 3 stories and 40 ft. height are permitted as a matter of right.                                                                                                                                                                        |

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

| Zone- R-1B          | Regulation                    | Existing                                                                           | Proposed                                                                           | Relief                         |
|---------------------|-------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------|
| Lot Area            | 5,000 sq. ft.                 | 3564 Alton Place NW: 6,100 sq. ft.<br>3566 Alton Place NW: 7,884 sq. ft.           | 3564 Alton Place NW: 6,100 sq. ft.<br>3566 Alton Place NW: 7,884 sq. ft.           | None requested                 |
| Lot Width           | 50 ft.                        | 3564 Alton Place NW: 50 ft.<br>3566 Alton Place NW: 54 ft.                         | 3564 Alton Place NW: 50 ft.<br>3566 Alton Place NW: 54 ft.                         | None requested                 |
| Height<br>U § 203.2 | 40 ft. max.<br>3 stories max. | 3564 Alton Place NW: 43 ft. / 4 stories<br>3566 Alton Place NW: 42 ft. / 4 stories | 3564 Alton Place NW: 43 ft. / 4 stories<br>3566 Alton Place NW: 42 ft. / 4 stories | <b>Area Variance Requested</b> |
| Rear Yard           | 25 ft.                        | 3564 Alton Place NW: 39 ft.<br>3566 Alton Place NW: 27 ft.                         | 3564 Alton Place NW: 39 ft.<br>3566 Alton Place NW: 27 ft.                         | None requested                 |
| Lot Occupancy       | 40% max.                      | 3564 Alton Place NW: 32%<br>3566 Alton Place NW: 39%                               | 3564 Alton Place NW: 32%<br>3566 Alton Place NW: 39%                               | None requested                 |
| Parking             | 1 space                       | 1 space                                                                            | 1 space                                                                            | None requested                 |

## V. OFFICE OF PLANNING ANALYSIS

### a. Area Variance Relief from Subtitle X § 1002

#### i. *Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties / Exceptional or Undue Hardship To the Property Owner*

##### a. *Extraordinary or Exceptional Situation*

The applicants have an extraordinary or exceptional situation in that they unknowingly purchased properties that do not comply with the building height and story maximum.

The initial development team applied for permits in 2019 with an entirely different home design. The development team changed in 2021, and revisions were made to the plans for the homes two more times, and the properties were inspected by a third party. Three years after the owners moved in and applied for permits to fix construction defects, it was discovered during plan review that the homes exceeded the permitted height and stories, apparently due to unauthorized changes to the grade at the front of the homes at the time of construction. The actual height of the homes never changed, but revisions to the ground floor garage and retaining walls / access stairs changed the building height measuring point from the initial review, and this causes the homes to exceed the permitted height limit. It is not typical for homeowners to inherit this type of compliance situation after occupancy, especially with a new construction home.

##### b. *Exceptional Practical Difficulties*

The homes themselves were generally constructed in accordance with the approved revised building plans, but the grade changes resulting in them exceeding the maximum permitted height and number of stories. There are two potential solutions to remedy the height issue that do not involve the BZA granting a variance, the first being the removal of the upper most floor of both homes, the second (more likely) being changing the grade at the front of the houses to raise the BHMP to comply with the height regulations which would involve significant regrading, new retaining walls, and a new garage opening and garage door. Either of these solutions would result in an exceptional practical difficult on both property owners, with costly and disruptive alterations to rectify a situation created prior to their purchasing the properties.

#### ii. *No Substantial Detriment to the Public Good*

Granting an area variance to allow the two dwelling units to continue to remain at their current height at 43 ft., should not result in a substantial detriment to the public good. Exceeding the height by 3 ft. does not result in an excessive change above the tallest possible matter-of-right development. Rather, the extensive alterations that would be needed to make the houses conforming would likely result in significant additional disruption to the neighborhood.

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

The Residential House (R) Zones purpose and intent chapter includes Subtitle D § 101.5 “*The R-1B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.*”. The lots will remain as detached dwellings on moderately sized lots. OP would be very unlikely to support an area variance request for a

new dwelling exceeding the height and number of stories permitted in the R-1B zone – this would clearly be inconsistent with the intent of the zone to limit permitted building height. However, the specific circumstances that led to these two properties exceeding the height and story maximums contribute to these cases not being a substantial impairment to the intent and purpose of the zoning regulations. In addition, the likely “fix” – altering the grade at the front – would not result in houses that would appear any different in height or bulk from the street.

## **VI. OTHER DISTRICT AGENCIES**

DDOT informed OP that they have no objection to the proposal. As of the writing of this report, no other District Agencies have provided comments for this application.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

As of the writing of this report, no comments from ANC 3F have been submitted to the record.

## **VIII. COMMUNITY COMMENTS TO DATE**

At the writing of this report, no public comments have been received.



**Attachment: Location Maps**

21347 - 3564 Alton Place NW:



21348 - 3566 Alton Place NW:

