

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: October 10, 2025

SUBJECT: BZA #21351 – 1647 West Virginia Avenue, NE – Request for relief to construct a penthouse access stair

I. RECOMMENDATION

The Office of Planning (OP) consulted with the Zoning Administrator’s (ZA’s) office about the relief requested with this self-certified application. The ZA staff confirmed that the requested relief is not required, as the subject building is a purpose-built apartment building, and not “a single household dwelling or flat [or] an apartment house converted pursuant to Subtitle U § 320.2” (C § 1051.1(b))¹. This guidance was conveyed to the applicant but, as of the date of this report, the application was not withdrawn. However, should the Board determine that relief is necessary, OP has no objection to the proposal and has provided an analysis below. The relief requested by the applicant is:

- C § 1501.1(b)(2), pursuant to C § 1501.1(b)(c) – Penthouse Height (Penthouse on the roof of a single family dwelling, flat, or converted apartment house must be within the matter of right height for the building; penthouse above 35 feet building-height limit proposed). *Special exception*

II. LOCATION AND SITE DESCRIPTION

Applicant	James Williams, owner
Address	1647 West Virginia Avenue, NE
Legal Description	Square 4054, Lot 57
Ward / ANC	Ward 5, ANC 5D
Zone	RF-1 – Moderate density rowhouses and flats
Historic District / Resource	None
Lot Characteristics and Existing Development	Nearly rectangular lot at end of the row, fronting on three streets; Existing, two-story plus cellar, purpose-built apartment building.

¹ The ZA staff has not opined to OP on any other aspect of the design and will conduct a complete zoning review at the time of building permit.

Adjacent Properties and Neighborhood Character	Adjacent property is a similar apartment building; The immediate context on West Virginia Avenue is mostly small, purpose-built apartment buildings; The surrounding neighborhood is composed primarily of rowhouses.
Proposal	Construct a third floor and a rooftop access stair enclosure.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Item	Regulation	Existing	Proposed	Relief
Building Height E 203	35 ft. 3 stories max.	23 ft. 6 in. 2 stories + cellar	33 ft. 7 in. 3 stories + cellar	Conforming
Penthouse Height E 205.3	12 ft. 1 story	n/a	9 ft. 1 story	Conforming
Penthouse Height C 1501.1(b)(2)	Penthouse space for a single family dwelling, flat, or converted apartment house must be within the matter of right permitted height for the building; otherwise permitted	n/a	Total height w/ penthouse = 42 ft. 7 in.	Relief requested but not required as the subject building is a purpose-built apartment building

IV. ANALYSIS

Subtitle C § 1501 provides guidance for the use and dimensions of a penthouse. Specific limitations are provided for penthouses on the roof of a single-family dwelling, flat, or converted apartment house, but Subparagraph (c) states that the Board is authorized to grant relief to the height restriction. These specific rules do not apply to the subject building because it is a purpose-built apartment house. Should the Board determine that relief is necessary, OP’s analysis is below².

1501.1 A penthouse or rooftop structure may house mechanical equipment or any use permitted within the zone, except that penthouse space shall be restricted as follows:

- (a) Within residential zones in which the building is limited to thirty-five feet (35 ft.) or forty feet (40 ft.) maximum, the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;*

² The design proposed by the applicant appears to meet all zoning parameters, and no other relief was requested with this application.

- (b) *Notwithstanding the requirements of paragraph (a), penthouse space shall only be permitted on the roof of a single household dwelling or flat in any zone, or on the roof of an apartment house converted pursuant to Subtitle U § 320.2, if it:*
- (1) *Is not located on an alley lot;*
 - (2) *Is located entirely within the matter of right permitted height for the building;*
 - (3) *Is a maximum of nine feet (9 ft.) in height and one (1) story; and*
 - (4) *Contains only stair or elevator access to the roof plus a maximum of thirty square feet (30 sq. ft.) of space ancillary to a rooftop deck or terrace;*
- (c) *Penthouse space that satisfies the requirements of paragraph (b) of this subsection except that it would be partially or entirely above the matter-of-right permitted height for the building shall only be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9;*

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;

Should the Board determine that relief is necessary, granting the requested relief should not impair the intent of the Regulations, which in the case of this provision is to minimize visual impacts to the surrounding area. The Regulations, however, provide a pathway for relief when a penthouse structure is proposed to be above the permitted building height in the zone, and that deviation is deemed acceptable if the design does not tend to adversely impact nearby properties. Given the proposed design, impacts should be minimal. Furthermore, the design appears to meet all other zoning parameters such as building height.

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;

Granting the relief would not affect the use of neighboring property. The proposed penthouse stair enclosure is at the middle of the building and should not result in shadow impacts to adjacent properties, nor impact air flow to adjacent properties. The proposed height should not result in significant visual impacts to the neighborhood, nor substantially alter the character of the vicinity.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing there are no comments from other District agencies in the record. In an email to OP, DDOT expressed no objections to the requested relief.

VI. ANC COMMENTS

As of this writing there is no memo from the ANC in the record.

VII. COMMUNITY COMMENTS

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

VIII. VICINITY MAP

