



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: October 30, 2025

SUBJECT: BZA #21369 – 3032 24th Street, NE – Request for relief to construct an accessory building with an accessory unit

I. RECOMMENDATION

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

- D § 210, pursuant to D § 5201 – Lot Occupancy (40% maximum; 50% permitted by special exception; 42.4% existing; 42.2% proposed);
- D § 211, pursuant to D § 5201 – Pervious Surface (50% minimum; 40.1% existing; 40.1% proposed).

Special exception relief may be required from the following provision, and if it is determined that relief is required, OP recommends **approval**.

- U § 253.8(c)(1), pursuant to U § 253.8(f) – Permanent Access to Accessory Unit (8 feet in width required; 5 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	Donald Fulp, owner
Address	3032 24 th Street, NE
Legal Description	Square 4250, Lot 28
Ward / ANC	Ward 5, ANC 5D
Zone	R-1B – Low density single family detached residential
Historic District / Resource	None
Lot Characteristics and Existing Development	Rectilinear through lot fronting on 24 th Street and backing on to Thayer Street; 45 feet wide at 24 th Street; Average depth of about 108 feet; Existing single family dwelling at the front of the lot; Existing garage at Thayer Street.
Adjacent Properties and Neighborhood Character	Similar single-family homes fronting 24 th Street; Thayer Street serves as the front side of houses on the west side of that street; Larger neighborhood is mostly single family detached housing. Rhode Island commercial corridor is to the north.
Proposal	Replace existing garage with a new garage and accessory apartment above.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Standard	Requirement	Existing	Proposed	Relief
Lot Width D 202	50 ft.	45 ft.	No change	Existing Non-Conforming
Lot Depth n/a	n/a	~110 ft.	No change	Conforming
Lot Area D 202	5,000 sf	5,166 sf	No change	Conforming
Height – princ. bld. D 203	40 ft.	Not provided	No change	Assumed Conforming
Rear Yard D 207	None required per B 317.3	n/a	n/a	Conforming
Lot Occupancy D 210	40% 50% by sp. ex.	42.4%	42.2%	Requested
Pervious Surface D 211	50% pervious min.	40.1% pervious	No change	Requested
Acc. Bld. Height D 5002	22 ft.	18 ft.	21.7 ft.	Conforming
Acc. Bld. Building Area D 5003	Greater of 30% of req. rear yard or 450 sf	409 sf	399 sf	Conforming
Acc. Bld. Rear Yard D 5004	Cannot occupy > 30% of req'd rear yard; 7.5 ft. from alley CL	n/a (b/c there is no rear yard requirement)	n/a (b/c there is no rear yard requirement)	Conforming
Acc. Unit Access U 253.8(c)	Permanent Access to Unit – 8 feet in width to street	n/a	5'-wide	Possibly Required

IV. ANALYSIS

Special Exceptions from Lot Occupancy and Pervious Surface – Subtitle D §§ 210 and 211, pursuant to D § 5201, and X § 901

The applicant proposes to replace an existing detached garage with a new, two-story garage with an accessory apartment on the second floor. The lot occupancy on the lot would actually decrease slightly, and the amount of pervious surface would remain the same. Nevertheless, because the garage would be new construction, the project requires relief from those provisions. The Board is authorized to grant that relief pursuant to Subtitle D § 5201, the relevant sections of which are analyzed below.

5201.1 Not applicable

5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may

grant relief from the following development standards 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** as limited in Table D § 5201.1(a);*
- (b) **Maximum building area** of an accessory building;*
- (c) **Yards**, including alley centerline setback; and*
- (d) **Pervious surface.***

5201.3 *Not applicable*

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new principal 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 affected;*

Granting the requested relief should not unduly impair the light or air available to nearby properties. The amount of lot occupancy would actually decrease slightly, so the amount of shadow due to the lot occupancy should not increase. The amount of impervious surface would remain the same on the lot, and granting relief would have no impact on access to light or air.

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

Granting the requested relief would have no impact on the privacy of adjacent properties. The lot occupancy of the lot would decrease slightly, and the position of the accessory building – and the views to and from the accessory building – would not be different if the buildings met the lot occupancy requirement. The degree of impervious surface would have no impact on privacy.

- (c) The proposed addition or accessory structure, together with the original building, or the new principal 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 accessory structure would not intrude upon the character of the street. Thayer Street's lower-scale, residential character would be matched by the proposed design which, while modern, reads as residential. Furthermore, any minor change to the character of the street would not be to a degree that would have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property (§ 5201.4).

- (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 permit the introduction of a nonconforming use. A principal unit with an accessory unit is permitted in this zone.

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 relief should not impair the intent of the Regulations. For lot occupancy the intents are to ensure open space on a lot, and to facilitate adequate light and air both to the subject property and to adjacent properties. For pervious surface the intent is to minimize stormwater runoff from a property. Granting relief should not impair those factors. The footprint of the accessory building is slightly decreasing from the current condition, and the amount of pervious surface will stay the same. Relief would not result in negative impacts to the light, air or privacy available to 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 exceptions for lot occupancy and pervious surface would not appear to unduly affect the use neighboring property. There should be no undue impacts regarding factors such as light, air or privacy.

Accessory Unit Criteria and Permanent Access

An accessory unit in an accessory building is permitted as a matter of right, subject to the criteria of Subtitle U § 253.8. The project appears to meet all of the criteria except may not meet the “permanent access” criterion of § 253.8(c)(1). The Board is authorized to grant special exception relief from that section pursuant to § 253.8(f). The standards of § 253.8 are reviewed below.

253.8 *An accessory apartment in an accessory building in an R zone, except the R-1B/GT or R-3/GT zone, shall be permitted as a matter of right subject to the following conditions:*

- (a) There shall be permanent access to the accessory building apartment;*
- (b) The dwelling use of the accessory building shall be coterminous with the permanent access;*
- (c) The permanent access shall be provided by one (1) of the following:*
 - (1) A permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback or shared recorded easement between properties;*
 - (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or*
 - (3) The accessory building is within three hundred feet (300 ft.) of a public street accessible through an improved public alley with a minimum width of fifteen feet (15 ft.);*

Regarding permanent access to the accessory unit, subparagraph (1) above would be the only applicable method of access. In past cases the width of the passage has been measured to the door of the accessory unit. So while the accessory building itself directly abuts the street, the door to the unit would be accessed from the passageway to the north, which is proposed to be five feet in width, less than the required eight feet. If the Board agrees that relief is required, they are authorized to grant special exception relief pursuant to subsection (f) of this section.

- (d) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio, or storage for a dwelling unit on the lot;*

The proposed building would only be used for a garage and for an accessory apartment.

- (e) An accessory building that houses an apartment shall not have a roof deck; and*

The building is not proposed to have a roof deck.

- (f) An accessory apartment proposed within an accessory building that does not meet the conditions of this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject the following conditions:*
 - (1) The accessory building shall be located such that it is not likely to become objectionable to neighboring properties because of noise, traffic, parking, or other objectionable conditions; and*
 - (2) Evidence that there are adequate public utilities for the health and safety of the residents.*

Granting relief to the width of the permanent access passage would not impair the intent of the Regulations, nor result in negative impacts to adjacent properties. Relief would not impact “noise, traffic, parking, or other objectionable conditions”. The proposed width of the access passage would meet the intent of the Regulations because the building is built immediately adjacent to the street and emergency egress or access should not be hampered. This should help to ensure the health and safety of the residents.

V. COMMENTS OF OTHER DISTRICT AGENCIES

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

VI. ANC COMMENTS

At Exhibit 21 is a memo in support from ANC 5C.

VII. COMMUNITY COMMENTS

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

VIII. VICINITY MAP

