



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

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

**DATE:** November 5, 2025

**SUBJECT:** BZA #21373 – 438 Park Road, NW – Request for relief to construct an addition to an existing dwelling and convert it to an apartment building

### **I. RECOMMENDATION**

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

- C § 701.5, pursuant to C § 703.2 – Vehicle Parking (1 required, 0 existing, 0 proposed);
- E § 204.1, pursuant to E §§ 204.4 and 5201 – Upper Floor Architectural Elements (Must preserve upper floor architectural elements; certain elements proposed for alteration);
- E § 207.1, pursuant to E § 5201 – Rear Yard (20' required; 25' 9.5" existing; 6' 6.75" proposed);
- E § 207.4, pursuant to E § 207.5 – Rear Yard / Depth of Rear Addition (Additions more than 10 feet beyond attached neighbor's rear wall permitted by special exception; 19' 2.75" addition proposed);
- U § 320.2, pursuant to X § 901.2 – Conversion to a Multifamily Dwelling (Conversion to three units permitted by special exception).

### **II. LOCATION AND SITE DESCRIPTION**

|  |   |
|--|---|
| Applicant                                    | H D 438 Park Road, NW, LLC  |
| Address                                      | 438 Park Road, NW   |
| Legal Description                            | Square 3044, Lot 53   |
| Ward / ANC                                   | Ward 1, ANC 1E  |
| Zone   | RF-1 – Moderate density rowhouses and flats; conversion to apartments permitted by special exception  |
| Historic District / Resource                 | None  |
| Lot Characteristics and Existing Development | Rectangular lot, approx.. 32' x 93'; 8' alley at the rear; Existing semi-detached single family dwelling; Non-original enclosed front room; Large setback from front property line. |

|  |  |
|--|--|
| Adjacent Properties and Neighborhood Character | Attached single family dwelling on the west side of subject property; Building immediately to the east was converted to an apartment, with a very similar addition as the present application, pursuant to BZA #19919; This block is characterized by semi-detached pairs of houses; Greater neighborhood is primarily rowhouses; Armed Forces Retirement Home property to the east. |
| Proposal                                       | Widen the house to the east, and expand to the rear (south); Convert to three units.   |

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

| Standard  | Requirement  | Existing   | Proposed   | Relief           |
|---|--|--|--|------------------|
| Lot Width<br>E 202                                    | 30' min.   | 32'6"  | No change  | Conforming       |
| Lot Depth<br>n/a                                      | n/a  | ~93'   | No change  | Conforming       |
| Lot Area<br>E 202                                     | 3,000 sf min.  | 3,032 sf   | No change  | Conforming       |
| Height<br>E 203                                       | 35' max.   | 33'7"  | No change  | Conforming       |
| <b>Upper Floor Architectural Elements<br/>E 204</b>   | <b>Must preserve upper floor architectural elements</b>  | <b>Single front-facing dormer; Cornice at top of side-facing bay window projection</b> | <b>Remove dormer and replace with two larger dormers and widen front cornice line; Remove side bay projection.</b> | <b>Requested</b> |
| <b>Rear Yard<br/>E 207</b>                            | <b>20' min.</b>  | <b>25' 9.5"</b>  | <b>6' 6.75"</b>  | <b>Requested</b> |
| <b>Rear Yard / Depth of Rear Addition<br/>E 207.4</b> | <b>Additions more than 10 feet beyond attached neighbor's rear wall permitted by special exception</b> | <b>In line with attached neighbor</b>  | <b>19' 2.75" addition</b>  | <b>Requested</b> |
| Side Yard<br>E 208                                    | 5' min.  | 8' 4.25"   | 5'   | Conforming       |
| Lot Occupancy<br>E 210                                | 60%  | 38%  | 51%  | Conforming       |
| Pervious Surface<br>E 211                             | 20% pervious min.  | 43.8% pervious   | 30% pervious   | Conforming       |
| <b>Conversion<br/>U § 320.2</b>                       | <b>Conversion to three units permitted by special exception</b>  | <b>1 unit</b>  | <b>3 units</b>   | <b>Requested</b> |
| <b>Vehicle Parking<br/>C § 701.5</b>                  | <b>1 space</b>   | <b>0 spaces</b>  | <b>No change</b>   | <b>Requested</b> |

#### IV. ANALYSIS

##### **Special Exception from Vehicle Parking Requirements – Subtitle C § 701.5, pursuant to C § 703.2**

The site currently has no vehicular parking space, and none is proposed. The conversion to a three-unit apartment would require one parking space, so the applicant seeks relief, which the Board is authorized to grant pursuant to C § 703.2. The relevant criteria are reviewed below.

703.2      *The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:*

The subject site would satisfy a number of the listed criteria, as discussed below.

- (a)      *Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*
- (b)      *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- (c)      *Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
- (d)      *Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*
- (h)      *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street [...];*

The property displays a number of factors that would satisfy the criteria for special exception relief for parking. The physical layout of the property minimizes the available space at the rear of the property. Because the existing house is set far back from the street, relatively little room exists between the house and the alley. The property is also well served by transit. The site is 0.5 miles from the Georgia Avenue metro station, and only two blocks from Georgia Avenue, which is served by the D40 bus, a 24-hour service with 12-minute headways throughout most of the day. The site is also highly walkable with a number of service and retail uses within walking distance of the lot. Further, the constraints of the alley itself make parking impractical; the alley is only eight feet wide behind the property, and according to the applicant narrows to six feet wide at the alley exit, making access difficult.

**Special Exception from Upper Floor Architectural Elements – Subtitle E § 204.1, pursuant to E § 204.4**

- 204.1 *Except for properties subject to review by the Historic Preservation Review Board or their designee, or the U.S. Commission of Fine Arts, a roof top architectural element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape, or increasing its height, elevation, or size; provided that:*
- (a) *For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line; and*
  - (b) *For all other lots, the roof top architectural elements shall include identified roof top architectural elements on all sides of the structure.*

The proposed design would alter certain architectural elements at or near the top of the building. The existing house has a single, narrow dormer on the front 3<sup>rd</sup> floor façade. That would be replaced by two larger dormers as part of the overall widening of the house. On the east side of the house a bay projection has an original cornice molding that would be removed; The entire bay structure would be removed when the east wall of the building is pushed out by about three feet. Relief to remove or alter these elements can be granted pursuant to E § 204.4.

- 204.4 *The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 204.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:*
- (a) *The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*
    - (1) *The light and air available to neighboring properties shall not be unduly affected;*
    - (2) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*
    - (3) *The proposed construction, 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;*

Removal of the architectural elements would have no impact on the light, air or privacy available to neighboring properties. The proposed design would be very sympathetic to the existing character of the street. The slope of the 3<sup>rd</sup> floor façade appears that it would be very similar to the existing façade. While the proposed dormers would be larger, their location is typical for these types of dwellings. The cornice on the side of the house has limited visibility today, so its removal should also have a limited impact on the character of the street. Viewing the row of houses on this side of the street (see photos in Exhibit 18E), it appears that the proposed design would fit in with the existing buildings in a similar manner as the project at 436 Park Road. Furthermore, the height

of the building would not change. 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 (§ 204.4(a)).

- (b) *In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and*

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

- (c) *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 or nearby properties, or to maintain the general character of a block.*

OP recommends no special treatments.

**Special Exceptions from Rear Yard and Rear Yard / Depth of Rear Addition – Subtitle E §§ 207.1 and 207.4, pursuant to E § 5201 and E § 207.5, respectively, 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) *Pervious surface.*

The application requests relief for the depth of the rear yard, and to construct a rear addition of more than 10 feet beyond the adjoining neighbor's rear wall.

5201.2 and 5201.3 *Not applicable*

- 5201.4 *An application for special exception relief 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 affected;*

Granting the requested relief should not impair the light or air available to nearby properties. The submitted sun study (Exhibit 18C) appears to indicate that the proposed construction would cast some additional shadow compared to a matter of right design, but that the degree of additional impact would not be undue. Impacts should be limited to portions of the property to the west, and then only in the morning hours. The property to the east does not appear to be impacted. Similarly for air flow, the addition should not overly constrain the flow of air, and any impacts should not be undue. The project would not increase the overall height of the building, and lot occupancy would remain below the matter of right maximum.

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

Granting the requested relief should not impact privacy on adjacent properties. The design proposes no windows on the west property line. Windows facing toward the rear, while somewhat closer to the rear property line than with a matter of right design, should have similar views as windows in a matter of right project. Windows facing east are not altered as a result of the requested relief.

- (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 rear yard relief should not substantially visually intrude upon the character, scale, and pattern of houses along the alley. The alley is characterized by a variety of garages, fences, retaining walls, rear additions, upper floor additions, and rear decks. The proposed construction appears that it would mirror the design on the adjacent building to the east, 436 Park Road. The height of the building would not change, and the rear portion would be lower than the main part of the house. Furthermore, any minor change to the character of the alley 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, site plans and a sun study.

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. Conversion to an apartment building, as proposed by the applicant, is permitted as a special exception.

**Special Exception to Convert a Single Family Dwelling to a Multifamily Dwelling – Subtitle U § 320.2**

320.2 *The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use pursuant to Subtitle U § 301.4 that increases the number of units, shall be permitted in any of the RF-1 zones if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:*

- (a) *The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;*

The existing building on the site was in existence prior to 1958.

- (b) *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and*

Not applicable. The building would have three units.

- (c) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.*

The property would have 1,010.67 square feet of land area for each of the three units, so complies.

**General Special Exception Criteria – Subtitle X § 901.2 (all requested relief)**

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.

- The intent of the vehicle parking regulations is to ensure adequate space for cars, except in

cases where the characteristics of the property prevent parking or characteristics of the neighborhood make parking less necessary. Relief in this case meets those criteria.

- Regulations regarding architectural elements are intended to maintain character-defining features in RF-1-zoned areas. In this case, the design would change some original elements of the building, but maintain the overall character of the block through continued use of dormers, maintaining the total height, and preserving the dentil cornice above the 2<sup>nd</sup> floor.
- Rules governing rear yard are meant to ensure open space on a lot, and to facilitate adequate light and air both to the subject property and to adjacent properties. The proposed design should not impair those intentions.
- The special exception requirement for conversions is intended to provide a mechanism to evaluate any potential impacts of a new multi-family dwelling. The proposal meets the requirements of U § 320.2.

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 should not unduly affect the use of neighboring property. There should be no undue impacts regarding factors such as light, air or privacy. The overall character of the street and alley should not be adversely impacted.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

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

## **VI. ANC COMMENTS**

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

## **VII. COMMUNITY COMMENTS**

Exhibit 16 is a letter in support of the application.



## VIII. VICINITY MAP

