

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: MBR Crystal Myers, AICP, Development Review Specialist
Maxine Brown-Roberts, Associate Director Development Review

DATE: June 5, 2026

SUBJECT: BZA Case 21430: Request for special exception relief to convert a rowhouse into a 3-unit apartment house

I. RECOMMENDATION

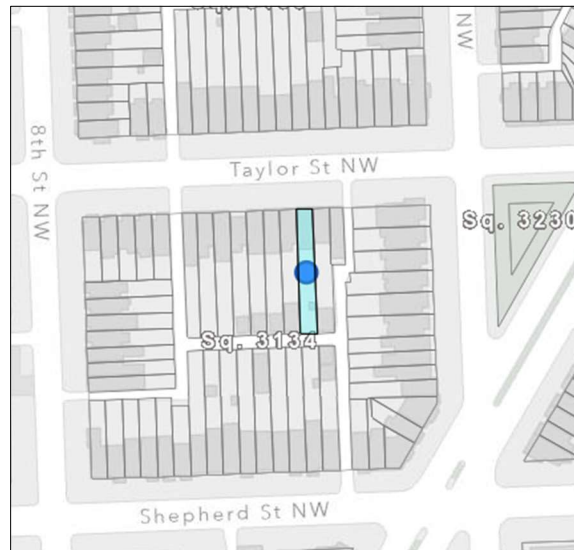
The Office of Planning (OP) recommends **approval** of the following special exceptions pursuant to Subtitle X § 901:

- Subtitle E § 207.5, Rear Addition Special Exception (10 ft. max.; 29.08 ft. proposed);
- Subtitle E § 204.1, Special Exception from the Rooftop Element Requirement;
- Subtitle C § 1501.1, Penthouse Structure height:
(within building's 35 ft. permitted; proposal exceeds 35 ft); and
- Subtitle U § 320.2, Special Exception for Residential Conversion

II. LOCATION AND SITE DESCRIPTION

Address:	710 Taylor Street, NW
Applicant:	1365 Perry, LLC represented by Sullivan & Burros
Legal Description:	Square 3134; Lot 53
Ward / ANC:	Ward 4; ANC 4C
Zone:	RF-1, low to moderate density residential
Historic Districts	N/A
Lot Characteristics:	Rectangular, interior lot measuring 10.12 ft. x 143 ft. with a 15 ft. public alley to the rear.
Existing Development:	Single-dwelling Row Building
Adjacent Properties:	Single-dwelling Row Building
Surrounding Neighborhood Character:	Moderate Density Residential Rowhouse neighborhood
Proposed Development:	The proposal would convert a rowhouse into a 3-unit apartment house. The project includes adding a third story, penthouse, and a rear addition.

III. LOCATION



IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Lot Width E § 202	18 ft. min.	19.12 ft.	No Change	Complies
Lot Area U § 320.2	2,700 sq. ft. min. (3 units)	2,725 sq. ft.	No Change	Complies
Height E § 203	35 ft. max.	24.0 ft.	34 ft.	Complies
Rear Yard E § 207.1	20 ft. min.	96.83 ft.	40.08 ft.	Complies
Lot Occupancy E § 210	60% max.; 70% by Special Exception	32%	58.0%	Complies
Vehicle Parking	2 min.	1	2	Complies
Rear Yard: Extension Past Adjoining Rear Wall (10-foot rule) E § 207.5	10 ft. max	0.0 ft.	29.08 ft. (east) 21.08 ft (west)	Relief Requested
Penthouse Structure C § 1501.1 (c)	Permitted if within 35 ft		39 ft (penthouse w/ house)	Relief Requested
Conversion U § 320.2		1-dwelling rowhouse	3-unit apartment house	Relief Requested

¹ Provided by the applicant

V. OP ANALYSIS

Rear Extension Relief

Subtitle X Section 901

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

Granting this relief would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The proposed addition is within the height and scale requirements of the RF-1 zone, and its residential use aligns with both the intent of the zone and the apartment conversion special exception in U§ 321. In addition, the proposed rear extension complies with the special exception criteria in E§ 5201.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Approval of this relief should not adversely affect the use of neighboring properties. As discussed further in E § 5201 the addition would not unduly impact the neighboring properties.

Subtitle E Chapter 5201

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 request is to allow the rear wall to extend more than 10 feet. It would be 29 feet and 21 feet beyond the adjacent neighboring houses.

5201.2 & 5201.3 not relevant to this application

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, in particular:*

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

As seen on the applicant's shadow study, pages 12-13 of Exhibit 20A, [Architectural](#)

Plans, in every season the greatest impact would be in the morning hours and would be on the property to the west with less impact on the property to the east. It also seems that the shadows are limited to the rear yards of the adjacent properties and seems to disappear within a few hours. Therefore, the addition should not unduly impact the light and air of the adjacent neighbors.

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

The rear addition would not have windows along its sides and views from the rear would be into the adjacent rear yards which would remain essentially the same as exist today. Therefore, the additions should not unduly impact the privacy of use and enjoyment of the neighboring properties.

- (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 addition would not be visible from Taylor Street, but it would be visible from the alley. Although the addition extends farther into the rear yard than the existing structure, there would still be a substantial amount of yard between the building and the alley. In addition, the rear façade of the addition is consistent with the appearance of other houses in the same row. Therefore, the addition should not visually intrude on the character, scale, and pattern of the houses along the alley.

- (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 or accessory structure to adjacent buildings and views from public ways.*

The Applicant provided plans, photographs, and elevations to sufficiently represent the relationship of the proposed addition from public ways.

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.

No special treatment is recommended.

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.

The proposal includes a penthouse structure that exceeds the building's matter of right height so special exception relief is also being requested. Otherwise, this proposal does not include a nonconforming use or height, stories, and lot occupancy beyond the limits of the RF-1 zone.

Architectural Element Relief

The Applicant proposes to extend the existing mansard element and to replace the current dormers with new dormers of a different style. They also propose replacing the existing porch roof with a new porch roof that includes a balcony railing.

Subtitle X Section 901

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

Granting this relief would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Regulations are intended to preserve the defining architectural elements of rowhouses and to protect the neighborhood's visual character. The Applicant is proposing these alterations to accommodate the new third story and to convert this single-family house into a small apartment building. The proposed alterations would not appear out of character for the area. The new mansard roof and dormers would maintain the existing roof's form, slope, and proportional relationship to the façade, allowing them to read as a natural extension of the structure. The porch roof, though now including a balcony, would have similar design elements to the existing porch roof. These alterations meet the special exception criteria in E § 5201, which are discussed below.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Approval of the requested special exceptions should not adversely affect the use of neighboring properties. As discussed further in E § 204, the proposed alterations would not unduly impact the neighboring properties.

Subtitle E Section 204

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;*

The proposed construction should not unduly impact the neighboring properties' light and air. As shown on Applicant's shadow study, extending the mansard element, replacing the dormers, and replacing the porch roof would not have an undue impact on the neighboring property's light and air. Additionally, these architectural elements

are similar to the elements currently on the building, which do not impact the adjacent properties.

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

Granting the requested relief should not affect the privacy or enjoyment of neighboring properties. Changes to the building façade and roof are not expected to impact adjacent homes. Replacing the porch roof with one that includes a balcony could introduce some second-floor outdoor activity, which might have minor impacts on neighbors. The proposed porch would be on the second floor, outside of a bedroom and can only accommodate 2 or 3 persons. Therefore, its use may be limited, and would generate much less activities than a rear porch. The neighboring properties across the street would be a sufficient distance away and therefore their privacy should not be unduly impacted.

(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;

The proposed construction would be viewed from the street and should not substantially visually intrude upon the character and pattern of the neighboring houses. The proposed design extends and reinterprets the mansard to incorporate the third story while preserving the building's architectural character. The project includes replacing the dormers with new ones in a different style. Despite these changes, the proposal maintains a compatible roof form, slope, and proportional relationship to the façade, allowing the addition to appear unified with the existing building.

As for the new porch roof, it has a similar design to the existing porch roof but also includes a new railing. The proposed railing is consistent with the architectural style of the house and the existing porch railing that is on the ground-level. It is also consistent with other railings on this street, which are also generally located on the ground floor of their porches. Although this would be the first porch roof with a balcony on this section of Taylor Street, it should not disrupt the area's visual character as the neighborhood already features a wide variety of porch and porch roof designs.

Penthouse Relief

Subtitle C Section 1501(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;

The project includes constructing a third story addition and a penthouse. The Applicant cannot construct a penthouse within the 35-foot height limit while still providing a habitable third story. Each level of the house is 10 feet in height, which is a standard height for a residential building of this size. This leaves only five feet for the penthouse which would be

insufficient for safe usage. Therefore, the Applicant is requesting penthouse relief under Subtitle X Chapter 9, and the design of the penthouse complies with the criteria in this section.

Subtitle X Section 901

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

Granting relief for the penthouse stairs would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The penthouse stairs would allow access to the roof deck, which would provide the residents with private outdoor space. In this case the penthouse would be set back over thirty feet, from the front of the house which is sufficient enough to not cause a visual distraction from the neighborhood character. The extra height would only be limited to the penthouse and therefore should not affect the intent of the Regulations.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The penthouse is designed to minimize visibility from the street, alley and neighboring properties. It would not allow for views into private spaces and would preserve the architectural character of the building and not adversely affect neighboring properties.

Relief for Apartment House Use

Subtitle X Section 901

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

Granting relief for the proposed use would be in harmony with the purpose and intent of the Regulations and Maps. The RF-1 zone allows for older residential buildings to be converted into apartment houses if they meet the U§ 320.2 criteria. The proposal is requesting to convert this pre-1958 building into a 3-unit apartment house and it meets all the U§ 320.2 criteria.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Granting the requested special exceptions should not adversely affect the use of neighboring properties. As demonstrated below, the proposed use meets the development requirements of the U § 320.2 criteria, and similar apartment houses already exist in the neighborhood. Therefore, the proposal would not be out of

character with this area.

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 building has been in existence on the property and will be on the property when Dept. of Building accepts as complete the building permit application.

- (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*

The proposal is for a three-unit building so IZ does not apply.

- (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 subject property has 2,725 square feet which exceeds the 2,700 square feet needed for a three-unit building.

VI. OTHER DISTRICT AGENCIES

A DDOT report is provided at Exhibit 22. There are no other comments in the record from other District agencies.

VII. ADVISORY NEIGHBORHOOD COMMISSION

Currently, there is no report from ANC 4C in the record.

VIII. COMMUNITY COMMENTS

Currently, there are no comments in the record from community members. The Applicant provided an update of their community contacts at Exhibit 21.