District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
MBR Maxine Brown-Roberts, Associate Director for Development Review

DATE: November 6, 2026

SUBJECT: BZA #21517 – 9 Hillyer Court, NW – Request for relief to establish a private club use

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I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested use variance:

- U § 600, pursuant to X § 1000 – Uses on an Alley Lot (Private Club proposed, not permitted as a matter of right or by special exception).

II. LOCATION AND SITE DESCRIPTION

Applicant	International Arts & Artists and the Cosmos Club
Address	9 Hillyer Court, NW
Legal Description	Square 66, Lot 807
Ward / ANC	Ward 2, ANC 2B
Zone	RA-2/DC – Dupont Circle moderate density apartments
Historic District / Resource	Dupont Circle Historic District
Lot Characteristics and Existing Development	Trapezoidal alley lot bound by alleys on the south and east, and street-facing lots on the north and west; Tapers from 70 feet wide at the north to 40 feet wide at the south, and is 55 feet deep from north to south; According to the plat at Exhibit 2, the alley to the south is 12 feet wide, and the alley to the east is 15 feet wide, tapering to 5 feet wide; The alley system extends to the south with a 24-foot-wide alley; Existing two-story commercial building on the site occupies most of the lot except for a rear yard to the north; Main entrance faces south.
Adjacent Properties and Neighborhood Character	The surrounding square appears to have some residential uses but is mostly non-residential; According to the application, 83% of the land area of the square "is devoted to museum, private club, and other similar institutional uses" (Ex. 9, p. 7). The Cosmos Club itself already occupies 46% of the square (ibid, p. 2). Other institutional uses include The Phillips Collection, smaller art galleries, and the Embassy of India.
Proposal	Establish a private club use.

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CASE NO. 21517
EXHIBIT NO. 28

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Standard	Requirement	Existing	Proposed	Relief
Lot Width C 306.1(c)	14’	40.8’ (on southern lot line)	No change	Conforming
Lot Depth n/a	n/a	55’ (on western lot line)	No change	Conforming
Lot Area C 306.1(d) & F 202	1,800 sf	3,066 sf	No change	Conforming
Height F 5100.2(a)	25’ 2 stories	24’3” 2 stories	No change	Conforming
Min. Yards F 5100.2(c)	5 ft. from any portion of a lot line that abuts any non-Alley Lot; Otherwise, none required.	West – Zero feet North – 5’2”	No change	Existing Non-Conforming Conforming
Lot Occupancy F 5100.2(b)	80% maximum	88%	No change	Existing Non-Conforming
Alley CL Setback F 5100.2(e)	7.5’	South – 6’ East – 2.5’ min.	No change	Existing Non-Conforming[1]
Pervious Surface F 5100.2(f)	20% min.	Not provided	No change	Assumed Existing Non-Conforming
Use U 600	**Permitted uses are agriculture, artist studio, camping, community solar facility, parking, residential, short-term rental, home occupations (and storage, by spec. ex.)**	**IA&A has a C of O for museum and related office**	**Private club**	**Requested – Use Variance**

IV. ANALYSIS

The applicant seeks relief from Subtitle U § 600, which lists the permitted uses for alley lots. The proposed use, a private club, is not permitted on an alley lot in residential zones, and the applicant therefore requests a use variance. The Board is authorized to grant a use variance pursuant to the three-part variance test of X §1000, which is reviewed below.

Variance Test

i. Extraordinary or Exceptional Situation or Condition Resulting in an Undue Hardship To the Property Owner

a. Extraordinary or Exceptional Situation

[1] According to Exhibit 2, the property plat, the alley to the south is 12 feet wide. OP’s analysis indicates that that alley segment may be as wide as 16 feet.

The subject property exhibits exceptional conditions. The subject building was constructed in 1892 to serve as a stable and has been used primarily for non-residential purposes since that time. It is configured for non-residential uses and would require significant renovation to be made suitable for residential uses. Furthermore, the size and shape of the building would make it difficult to house a residential use. The size and shape of the floor plate is such that bringing light to the middle of the building from windows would be challenging. The historic nature of the building could also limit the degree to which the exterior could be altered to accommodate residential uses.

b. Undue Hardship

In order to be granted a use variance, an applicant must demonstrate that, because of the exceptional conditions of the property, compliance with the Regulations would result in an undue hardship. The information in the record indicates that the applicant has suffered, and would continue to experience, an undue hardship without being granted the present relief. The present owner, International Arts and Artists (IA&A), has outgrown the space and seeks to sell the property. According to Exhibit 19, selling the property would both accommodate the growth of the organization and help with their finances. But according to the applicant, no buyers for the property have emerged due to the lack of possible uses for the building.

For an alley lot in the RA-2 zone, the permitted or permissible uses are agriculture, artist studio, camping, community solar facility, parking, residential, short-term rental, home occupations and storage. The property could potentially be used as an artist studio or storage, but to date no buyers seeking to use the property for those uses have come forward. None of the other uses are practical for the building other than residential, but because of the exceptional conditions residential is also not a realistic use. The Cosmos Club proposes to purchase the building and use it in a similar manner to the way IA&A has used it for the past decade, including "as a mixed-use arts space, café, and meeting space, together with ancillary office use, in support of the Cosmos Club's mission" (Exhibit 19, p. 1). This arrangement would allow for expansion of the Cosmos Club's operations, while also resolving the undue hardship experienced by IA&A.

ii. No Substantial Detriment to the Public Good

Granting the variance to permit the establishment of a private club should not result in detrimental impacts to the public good. The uses envisioned by the Cosmos Club for the building would be similar in nature to the present uses by IA&A, who uses the space for both gallery-type exhibits and events, as well as office space. OP does not anticipate that the building, given its size and configuration, could host exceptionally large events. Any use of the building, therefore, should be compatible with the immediate surroundings, which features several institutional uses, including the existing Cosmos Club and the Phillips Collection. In addition, at Exhibit 19C, the applicant has submitted a transportation statement which reached the following conclusions:

> "Overall, the acquisition and use of the building is not expected to have a detrimental impact on the transportation network. On the contrary, it is expected to remove existing vehicle trips from the network and better manage internal alley operations." (Ex. 19C, p. 2)

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

The Regulations generally intend that nonconforming uses should be gradually replaced by conforming uses. However, the Regulations provide for the variance process, whereby the Board may grant a variance if an applicant can demonstrate an undue hardship arising from exceptional conditions. In this case the applicant has demonstrated that the exceptional conditions of the property result in an undue hardship. Furthermore, the use regulations for alley lots intend to permit uses that are compatible with the surrounding neighborhood. The applicant has demonstrated that the proposed use of the property would be harmonious with the other uses in the square.

V. HISTORIC PRESERVATION

Historic Preservation Office staff has no objection to the proposed change in use. Should the applicant in the future propose any renovations to the building, that building permit application would be reviewed for historic preservation compliance.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

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

VII. ANC COMMENTS

Exhibit 17 is a memo in support from the ANC.

VIII. COMMUNITY COMMENTS

Exhibit 20 is a letter in support of the application.

IX. VICINITY MAP

