



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist

JL Joel Lawson, Associate Director Development Review

DATE: January 2, 2025

SUBJECT: BZA Case 21169: Request for special exception relief to construct a third story with penthouse, and a side yard addition to existing two-story, detached flat plus cellar at 3500 New Hampshire Avenue NW.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201 and Subtitle X § 901:

- E § 208, Side Yard (5 ft. required, 3 in. existing; 1 ft. 10 in. proposed)
- E § 207.1, Rear Yard (20 ft. required, 3 in. existing; 3 in. proposed); and
- E § 210.1, Lot Occupancy (60% required, 59.6% existing; 69.99% proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	3500 New Hampshire Avenue NW
Applicant:	Eric Teran on behalf of Benjamin Levy
Legal Description:	Square 2831, Lot 800
Ward / ANC:	Ward 1; ANC 1A
Zone:	RF-1
Historic Districts	N/A
Lot Characteristics:	Irregular shaped corner lot measuring 1,105 sq.ft.
Existing Development:	Two-story, detached flat
Adjacent Properties:	Two-story, detached apartment house and semi-detached two-story flat
Surrounding Neighborhood Character:	A mix of detached, semi-detached and attached apartment buildings, flats and single-family homes
Proposed Development:	A third floor with a penthouse and a side yard addition to allow two units



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Density E § 201	2 principal units max.	2 units	No change	None requested
Lot Width E § 202	40 ft. min.	41.2 ft.	No change	None requested
Lot Area E § 202	4,000 sq. ft. min.	1,105 sq. ft.	No change	None requested
Height E § 203	35 ft. max.	25.2 ft.	35 ft.	None requested
Front Yard E § 206	No lesser or greater than existing setbacks on the same block	0 ft.	No change	None requested
Rear Yard E § 207	20 ft. min.	Varies 6 in. – 3.5 ft.	Varies 7.92 in. – 5.66 ft.	Relief requested
Side Yard E § 208	5 ft. min.	Varies 3 in. – 7.08 ft.	Varies 6 in. – 3.33 ft.	Relief requested
Court E § 209	2.5 in./1 ft. height min. = ft.	N/A	N/A	None requested
Lot Occupancy E § 210	60% max.	59.6%	69.95%	Relief requested
Parking C § 701	Not required for a building containing a flat within the RF-1 zone	N/A	N/A	None requested

IV. OP ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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 applicant requests special exception relief from lot occupancy, and rear and side yard requirements. The requested lot occupancy does not exceed the maximum allowed by special exception.

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 shown in [Exhibit 30](#), the applicant has provided a sun study demonstrating shadows cast, during the winter and summer solstices, showing the matter-of-right and proposed development and the impacts on the neighboring properties. Shadow impacts on neighboring properties would increase with the proposal, however, the increased shadows should primarily land on the roofs of the neighboring buildings, and would not negatively impact air quality.

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

The proposed relief for lot occupancy should not unduly compromise the use and enjoyment of neighboring properties, nor should the proposed side and rear yards. As stated above, the site design and configuration of the lot would limit outdoor use on the property. The building would have limited views into the neighboring homes and yards, and the size. The applicant proposes primary access to both units from Monroe Street NW, which would be three feet in width, however, this is currently the entrance for the second-floor. Although the proposed development would increase the number of occupants, the adjacent property to the west does not have windows on the side façade adjacent to the subject property, therefore, there should not be undue impacts related to noise or privacy with ingress from Monroe Street NW.

(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 development would not be visible from an alley as the property is not adjacent to one. When viewed from the street, the proposed development would be significantly different from the existing building, however, as designed, the new construction should not visually intrude upon the character, scale, and pattern of houses along the street as the surrounding neighborhood consists of a variety of architectural styles, uses, and building heights. The applicant is proposing to remove the existing shrubbery in the front of the building and replace it with a new tree along with other landscaping improvements, which OP supports.

(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 has provided the appropriate graphical representations to represent the relationship between the proposed building and adjacent buildings, and when viewed from the street.

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 does not recommend special treatment.

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 proposed development and requested special exception relief would not result in the introduction of a nonconforming use, lot occupancy that exceeds what is allowed by special exception, or height that exceeds what is allowed in the RF-1 zone.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

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;

The proposed building would be in harmony with the general purpose and intent of the Zoning Regulations. As revised, the building would be designed to allow access to all open spaces on the site so there would be no restriction on maintenance of the property. The proposed lot occupancy does not exceed the maximum occupancy allowed by special exception, which is in harmony with the zoning regulations. The project also adheres to the maximum building height allowed in the RF-1 zone.

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

The proposed lot occupancy should not have significant impacts on the neighboring properties. Although the building is proposed to increase lot coverage and height, this should not result in an undue impacts on neighbors. The project is designed to have no direct views into the homes or yards of adjacent properties; therefore, the reduced side and rear yards should not adversely impact adjacent properties.

(c) Subject in specific cases to the special conditions specified in this title.

OP does not recommend special conditions.

V. OTHER DISTRICT AGENCIES

DDOT has submitted a report as shown in [Exhibit 21](#) stating no objection.

VI. ADVISORY NEIGHBORHOOD COMMISSION

To date, no comments have been filed to the record from ANC 1A.

VII. COMMUNITY COMMENTS

No comments from the community have been filed to the record at the filing of this report.

LOCATION MAP

