

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 27, 2024

**SUBJECT:** BZA Case 21205: Request for special exception relief to allow a rear addition at 3730 Windom Place, NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

- D § 207.1, Minimum Required Rear Yard (20 ft. required, 24.14 ft. existing; 15.14 ft. proposed); and
- D § 210, Maximum Lot Occupancy (40% required, 44% existing; 49.5% proposed).

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

Address	3730 Windom Place, NW
Applicants	Martin Sullivan of Sullivan & Barros on behalf of Andria Matrone & Brian Miller
Legal Description	Square 1892: Lot 36
Ward, ANC	Ward 3; ANC 3E
Zone	R-2, low density residential
Historic Districts	N/A
Lot Characteristics	Rectangular Interior Lot measuring 33 ft. x 98.56 ft. with a 16 ft. public alleyway to the rear.
Existing Development	Single Family Semi-Detached Dwelling
Adjacent Properties	Residential Detached and Semi-detached Properties
Surrounding Neighborhood Character	Low Density Residential Neighborhood
Proposed Development	Single Family Semi-Detached Dwelling

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202 (302)	30 ft. min.	33 ft.	No Change	None Requested
Lot Area D § 202	3000 sq. ft. min.	3252 sq. ft.	No Change	None Requested
Height D § 203	40 ft. max.	No provided	No Change	None Requested
<b>Rear Yard D § 207</b>	<b>20 ft. min.</b>	<b>24.14 ft.</b>	<b>15.14 ft.</b>	<b>Relief Requested</b>
Side Yard D § 207	One 8 ft. min.	One 8 ft.	One 8 ft.	None Requested
<b>Lot Occupancy D § 210</b>	<b>40% max. by right 50% max by sp. ex.</b>	<b>44%.</b>	<b>49.5%</b>	<b>Relief Requested</b>
Parking C § 701	1 min.	1 space	2 spaces	None Requested

### IV. OP ANALYSIS

#### Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 For an addition to a principal residential building with one (1) principal dwelling unit 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 subject to the following table:*

**TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
All R-3 zones except R-3/GT	All Structures	70
R-3/GT	Row	
R-3/GT	Detached Semi-detached	50
All other R zones	All Structures	

*(b) Yards, including alley centerline setback; and*

*(c) Pervious surface.*

The proposed addition requires relief to the maximum lot occupancy and required rear yard development requirements.

*5201.2 & 5201.3 not relevant to this application*

*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;*

The proposed addition would replace the existing above grade first-floor landing and stairs with an above grade deck with stairs. The addition would be well below the maximum height and should not have a significant impact on the availability of light or flow of air to the neighboring properties.

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

The rear deck addition should not have a significant impact on the neighbor's privacy, as views should not be substantially increased from what could be seen from the existing landing and stairs, especially so when considering the proposed privacy screen which does not currently exist.

*(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 the street but would be visible from the alleyway. Several homes along the alleyway have first-story rear decks. As such the addition of a first-story deck should not have a significant impact on the visually character of houses along the alleyway.

*(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 building 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 proposed addition would otherwise comply with the R-2 development standards. The

requested lot occupancy of 49.5% is within that which is allowed through special exception in the R-2 zone, 50%.

### **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 rear addition would be consistent with the intent of the R-2 zone requirements. Specifically, the requested addition would be consistent with all other rear yard requirements found in Subtitle D, Chapter 2, 207 and the overall lot occupancy would be within that which is allowed by special exception.

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

The proposed rear first-story deck addition should not intensify any impact to the use of neighboring properties, as the proposal would maintain fifteen feet of rear yard and it would not increase the height of the dwelling.

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

The form of relief is within the allowed criteria of D § 5201, provided above.

### **V. OTHER DISTRICT AGENCIES**

DDOT has informed OP via email that they have no objection to the application and will not be submitting a report to the record.

### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

At Exhibit 31 is a memo from ANC 3E in support.

### **VII. COMMUNITY COMMENTS**

As of the writing of this report, there is a letter in support at [Exhibit #13](#), from the neighbor across the alley at 3729 Warren Street. At [Exhibit #26](#) is a memo granting party status in opposition to an adjoining neighbor with a shared wall at 3732 Windom Place.

Attachment: Location Map

**Location Map:**

