

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 21246
Bobby Henry
1956 Fendall Street, SE (Square 5764, Lot 47)**

HEARING DATE: March 26, 2025¹
DECISION DATE: March 26, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a two-story rear addition and rear deck addition to a semi-detached, two story with basement, principal dwelling in the R-3 zone:

- Special Exception under the rear addition requirements of Subtitle D § 207.5, pursuant to Subtitle X § 901.2 (*10 feet maximum permitted; 0 feet existing; 19 feet proposed*)
- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20 feet minimum required; 20 feet existing; 10 feet proposed*)
- Special Exception from the side yard requirements of Subtitle D § 208.7, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*5 feet minimum required; 2 feet existing; 2 feet proposed*)
- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*40% maximum permitted; 28.4% existing; 50.4% proposed*)
- Special Exception from the pervious surface requirements of Subtitle D § 211.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20% minimum required; 10% existing; 10% proposed*)

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 35.)²

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8A, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning

¹ The application was originally scheduled for expedited review at the February 26, 2026 public meeting. The Board removed the application from the expedited review calendar and scheduled for a public hearing on March 26.

² The application was amended to add special exception relief under the rear addition requirements of Subtitle D § 207.5. See previous versions of the Zoning Administrator memorandum in Exhibits 8 and 16.

Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 20, 2024, at which a quorum was present, the ANC voted to support the application. (Exhibit 33.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a supplemental report recommending approval of the application. (Exhibit 37.)

OP submitted previous reports, first recommending their approval of the original application, then noting they were unable to make a recommendation. (Exhibits 29, 32.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the rear addition requirements of Subtitle D § 207.5, pursuant to Subtitle X § 901.2 (*10 feet maximum permitted; 0 feet existing; 19 feet proposed*)

- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20 feet minimum required; 20 feet existing; 10 feet proposed*)
- Special Exception from the side yard requirements of Subtitle D § 208.7, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*5 feet minimum required; 2 feet existing; 2 feet proposed*)
- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*40% maximum permitted; 28.4% existing; 50.4% proposed*)
- Special Exception from the pervious surface requirements of Subtitle D § 211.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*20% minimum required; 10% existing; 10% proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the dimensions provided in Exhibit 35 of the record, as ordered by the Board, as permitted under Y §§ 604.9 and 604.10.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE; Carl H. Blake and Lorna L. John not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: April 1, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION

FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.