



## SUPPLEMENTAL MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Philip Bradford, AICP, Development Review Specialist  
JL Joel Lawson, Associate Director Development Review

**DATE:** March 28, 2025

**SUBJECT:** BZA Case 21263: Special exception relief to allow a rear covered deck / accessory building addition to a detached two-story dwelling.

### 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:

- Lot Occupancy, D § 210 (40% required, 37.9% existing; 49.3% proposed);
- Accessory Building<sup>1</sup> Area, D § 5003.1 (450 sq. ft. max., N/A existing; 652 proposed); and
- Accessory Building Rear Yard, D § 5004.1(a) (Not permitted as a matter of right within the required rear yard; proposed to be entirely within required rear yard)

### II. BACKGROUND

OP raised concerns with the applicant regarding potential privacy impacts of the proposal and discussed potential solutions to mitigate these prior to the hearing. Providing additional setbacks from the property to the west and south or reducing the size of the deck were raised as potential solutions by OP, however the applicant responded that it was not feasible to reduce the size due to existing site conditions, including drainage and retaining wall ties. Ways to mitigate potential impacts, such as appropriately placed lattice screening, were also discussed, and OP has recommended to that applicant that these be discussed with the relevant neighbors.

### III. LOCATION AND SITE DESCRIPTION

|                     |   |
|---------------------|---|
| Address             | 4632 Charleston Terrace, NW   |
| Applicants          | Sullivan & Barros, LLP for Susan M. Tamborini, Trustee  |
| Legal Description   | Square 1368, Lot 0054   |
| Ward, ANC           | Ward 3; ANC 3D  |
| Zone                | R-1B, low density detached residential  |
| Historic Districts  | None  |
| Lot Characteristics | Rectangular lot 50 feet wide 99.9 ft. deep (west) / 112 ft. (east) with a 15 ft. building restriction line fronting Charleston Terrace, NW. |

<sup>1</sup> The Zoning Administrator has determined that the new construction would be considered an accessory building, rather than an attached rear deck. A deck would also have required rear yard special exception relief.

|                                    |  |
|------------------------------------|--|
| Existing Development               | Single unit detached dwelling.   |
| Adjacent Properties                | Primarily single unit detached dwellings with condominium townhouses located to the south along MacArthur Blvd NW. In particular, directly to the south is the side wall of a townhouse. |
| Surrounding Neighborhood Character | Low density residential.   |
| Proposed Development               | Accessory building, functioning as a rear covered deck addition.   |

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

| R Zone  | Regulation  | Existing   | Proposed  | Relief                             |
|---|---|--|---|------------------------------------|
| Lot Width<br>D § 202 (302)                    | 50 ft. min.   | 50 ft.   | No change   | None required                      |
| Lot Area<br>D § 202                           | 5,000 sq.ft. min.   | 5,302 sq.ft.   | No change   | None required                      |
| Height<br>D § 203                             | 40 ft. max.<br>22 ft. max.<br>accessory structure                     | N/A  | Accessory structure:<br>18 ft. 1.5 in.                  | None required                      |
| Front Setback<br>D § 206                      | Within range of existing adjacent buildings.                          | 15 ft.   | No change   | None required                      |
| Rear Yard<br>D § 207                          | 25 ft. min.   | 27.6 ft.   | No change   | None required                      |
| Side Yard<br>D § 207                          | Primarily structure: 8 ft. min.<br>Accessory Structure: None required | Primary structure: 8 ft.<br>Accessory Structure: N/A | Accessory Structure:<br>West: 3.77 ft.<br>East 7.68 ft. | None required                      |
| Lot Occupancy<br>D § 210                      | 40% max. by right<br>50% max by sp.ex.                                | 37.9%.   | 49.3%   | <b>Special Exception Requested</b> |
| Parking<br>C § 701                            | 1 min.  | 1  | No change   | None required                      |
| Accessory Building Area<br>D § 5003.1         | 450 sq. ft. max.  | N/A  | 652 sq. ft.   | <b>Special Exception Requested</b> |
| Accessory Building Rear Yard<br>D § 5004.1(a) | Not permitted in required rear yard                                   | N/A  | Within rear yard  | <b>Special Exception Requested</b> |

## V. OP ANALYSIS

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

*5201.1 not relevant*

*5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards 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 as limited in Table D § 5201.1(a) (in the R-1B zone, 50% max.);*
- b. Maximum building area of an accessory building;*
- c. Yards, including alley centerline setback; and*
- d. Pervious surface.*

The applicant has requested relief for what has been determined to be an accessory building from lot occupancy, accessory building maximum building area, and to allow an accessory building within the required rear yard, as permitted by this section.

*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;*

At [Exhibit 20B](#) is a shadow study provided by the applicant that shows the impact of the proposed accessory structure on adjacent properties. While the new construction may impact ambient light, particularly to the dwelling to the south, and some additional shadows are cast onto adjacent properties, it should not have a substantially adverse effect on the use or enjoyment of any adjacent property.

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

The applicant's statement indicates that there are windows on neighboring houses generally do not directly face the proposed accessory structure and that the windows face away from the subject property at an angle. The photos provided in [Exhibit 7](#) and the updated plans in [Exhibit 20A](#) show windows on the adjacent property to the south facing the new construction. The proposed structure essentially places occupants at eye level with the upper window on the property to the south approximately 12 ft. away. With an 18 ft. height above grade, occupants could look down into the back yards of the adjacent properties, well above the existing fences, to the east and west and down into the windows of the property to the south. Other homes along Charleston Terrace NW have decks attached to the house, or grade level decks, not typically raised detached decks defined as an accessory building.

However, the existing conditions already present potential issues regarding privacy due to grade changes and upper floor decks and windows on the surrounding properties, as the rear

yards abut the sides of the adjacent townhomes. Given these existing privacy issues, the construction of the proposed accessory building would not seem to unduly compromise the use and enjoyment of neighboring properties, as many of the privacy issues relating to the proposed accessory building currently exist. Even so, OP has recommended to the applicant that they continue to discuss any privacy concerns with neighbors and address them in the design of the structure.

(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 subject property only contains street frontage along Charleston Terrance NW, and does not have an alley to the rear. The proposed accessory structure should not be visible from the street, and therefore would not visually intrude upon the character, scale, and pattern of houses along the street frontage.

(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 plans, photographs, elevations, and section drawings, to sufficiently represent the relationship of the proposed accessory structure to adjacent buildings and any 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.*

OP has recommended to the applicant that they continue to work with adjacent property owners to address and mitigate any privacy impacts, such as the provision of privacy screening at appropriate locations along the edge of the structure. The applicant should also ensure that any external lighting for the structure be placed and designed to minimize light spill into neighboring windows and properties.

*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.*

Except for the accessory building area and location within the required rear yard, the proposed accessory structure complies with all other R-1B development standards and would not be inconsistent with the purpose and intent of the 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 special exception would generally be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps. The R-1B zone is intended to allow for detached single-dwelling houses, and to provide for orderly development and reinforce neighborhood character. The requested relief would allow the applicant to construct an accessory structure functioning as a rear deck, at a size within limits of what can be 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*

As noted above, the existing conditions surrounding the subject property particularly the orientation of the buildings and windows in addition to grade changes collectively result in existing privacy impacts. The proposed accessory structure could further contribute to this, and the applicant should work with neighbors to mitigate potential impacts.

## VI. OTHER DISTRICT AGENCIES

At the writing of this report, no district agencies have submitted comment to the record.

## VII. ADVISORY NEIGHBORHOOD COMMISSION

At [Exhibit 22](#) is a letter from ANC 3D, noting that the ANC was split and could not come to consensus, but provided arguments in support of and opposition to the request.

## VIII. COMMUNITY COMMENTS

At [Exhibits 16](#) and [Exhibit 17](#) are letters of support of the application. At [Exhibit 23](#) is a letter in opposition of the application, and at [Exhibit 26](#) is a request for party status in opposition from the same adjacent neighbor.

Attachment: Location Map

**Location Map:**

