


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director for Development Review

DATE: May 21, 2025

SUBJECT: BZA #21280 – 903 R Street, NW – Request for relief to construct a rear deck

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested special exception:

- E § 210, pursuant to E § 5201 – Lot Occupancy (60% maximum; 70% permitted by special exception; 56% existing; 63% proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	Matthew Bosserman, owner
Address	903 R Street, NW, Unit 2
Legal Description	Square 363, Lot 2
Ward / ANC	Ward 2, ANC 2G
Zone	RF-1 – Moderate density rowhouses and flat
Historic District / Resource	Greater U Street Historic District
Lot Characteristics and Existing Development	Rectangular rowhouse lot, 20 ft. x 95 ft. with 15 ft. wide alley to the rear. Existing three-story plus cellar flat. Previously existing egress stair and landing at the second floor. Based on information in the record, it appears that construction of the new deck has begun but was stopped.
Adjacent Properties and Neighborhood Character	This block is mostly rowhouse-type buildings. The building to the east appears to also be a flat. The rear walls of both adjacent buildings appear to be in-line with the rear wall of the subject property. Surrounding neighborhood is mostly rowhouses, with some apartment buildings and institutional uses. A high school is located across R Street from the subject site.
Proposal	Remove “existing” rear landing and stair. Construct a 12 ft. x 17 ft. 6 in. deck and spiral stair at the second floor.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Item	Regulation	Existing	Proposed	Relief
Lot Area E 202	1,800 sq.ft. min.	1,900 sq.ft.	No change	Conforming
Lot Width E 202	18 ft. min.	20 ft.	No change	Conforming
Lot Depth	n/a	95 ft.	No change	Conforming
Height E 203	35 ft. 3 stories max.	Height in feet not provided 3 stories + cellar	No change	Assumed Conforming
Rear Yard E 207	20 ft. min.	36 ft.	24 ft.	Conforming
Lot Occupancy E 210	60% max. 70% permitted by special ex.	56%	63%	Requested

IV. ANALYSIS

Special Exception from Lot Occupancy – Subtitle E § 210, pursuant to E § 5201 and X § 901

The applicant requests special exception relief for lot occupancy. The Board is authorized to grant the requested relief pursuant to the criteria of E § 5201 and X § 901, which are analyzed below.

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 application requests special exception relief for lot occupancy.

5201.2 and 5201.3 Not applicable

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;

The light and air available to adjacent properties should not be unduly affected. The new construction may cause a small amount of new shadow at certain times of day on the adjacent properties, but the degree of shadow should not be significantly different than a deck with a matter of right lot occupancy. By OP's calculation, a matter of right deck at 60% lot occupancy would only be approximately 2.85 feet less deep than proposed. Similarly, the air to adjacent properties should not be affected. Any impact should also be minimal because the mass of the building is not being expanded.

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

The proposed addition should not unduly impact the privacy available to neighboring properties. The deck would not have impacts or views onto adjacent lots different than a deck with a matter of right lot occupancy. The proposal would not include new windows on the building.

(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 rear deck addition would not be visible from R Street. It would be visible from the alley and from 9th Street. The new deck, however, should not result in a significant change to the character of the alley, which has a highly varied architectural character, with a variety of rear additions, accessory buildings and fences, and at least one similarly-scaled rear deck in close proximity. Any change to the character of the alley would not be to a degree that would have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property in. (§ 5201.4).

(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 application materials include plans, elevations, photos and site plans.

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 recommends no special treatments.

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.

Granting relief would not result in the introduction of a nonconforming use. The applicant plans to maintain the existing use as a flat.

Subtitle X § 901.2

901.2 (a) [Granting the special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the requested lot occupancy relief should not impair the intent of the Regulations - to ensure open space on a lot, and to facilitate adequate light and air both to the subject property and to adjacent properties. Granting the relief should not diminish those factors. The building with the proposed addition would remain within the permitted height, should not result in undue impacts to light, air or privacy, and would not result in a scale or intensity of use beyond that anticipated by the zone.

901.2(b) [Granting the special exception] Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

As addressed in the above analysis, the requested special exception for lot occupancy would not appear to adversely affect the use neighboring property. There should be no undue impacts regarding factors such as light, air or privacy.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing there are no comments from other District agencies in the record. DDOT indicated to OP that they have no objections to the application.

VI. ANC COMMENTS

Exhibit 20 is a memo in support from the ANC.

VII. COMMUNITY COMMENTS

Exhibits 25 and 26 are letters in support of, and opposed to the application, respectively.

