

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** April 9, 2025

**SUBJECT:** BZA Case 21286: Expedited request for special exception relief to allow one-story side and two-story rear additions to a semi-detached residence.

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

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

- D § 5004.1(a) Accessory building partially within the required rear yard (20 ft required, 29.7 feet existing; 14.2 ft proposed).

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

Address	3822 Van Ness St NW
Applicants	3822 Van Ness LLC
Legal Description	Square 1829 Lot 23
Ward, ANC	Ward 3; ANC 3A
Zone	R-2, low density residential
Historic Districts	N/A
Lot Characteristics	The rectangular lot measures 110 feet long x 33 feet wide.
Existing Development	The property is developed with a semi-detached two-story single-family home.
Adjacent Properties	The adjacent properties are similar semi-detached homes, west and east of the subject lot.
Surrounding Neighborhood Character	The neighborhood is characterized by semi-detached homes, with Wisconsin Avenue zoned MU-4 with typical neighborhood commercial uses.
Proposed Development	The Applicant is proposing to construct: <ul style="list-style-type: none"> <li>- a one-story addition and one-story screen porch addition to the west side of the residence, and</li> <li>- a two-story addition to the rear of the residence.</li> </ul>

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed	Relief
Height D § 203	40 ft. max.	25 ft. 2 ins	25 ft. 2 ins	None required
Lot Width D § 202	30 ft	33 ft.	No change	None required
Lot Area D § 202	3,000 sq.ft. min.	3,630 sq.ft.	No change	None required
Lot Occupancy D § 210	40% max.	19.9%.	34.9%	None required
Rear Yard D § 207	20 ft. min.	52.8 ft.	37.3 ft.	None required
Accessory Building- Rear Yard D § 5004.1 (a)	Accessory bldg., ... not within a required rear yard	Outside of the required rear yard	partially within the required rear yard	Relief required
Side Yard D § 208	8 ft. min.	7.63 ft.	No change	None required
Parking C § 701	1 space min.	1 space	1 space	None required

### IV. OP ANALYSIS

The property currently has a rear yard of 52.8 feet of which 20 feet is the required rear yard. With the addition, the total rear yard would be reduced to 37.3 feet, and the existing garage would be partially within the *required* rear yard.

#### 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**

Zone	Maximum Lot Occupancy
R-3, R-13, and R-17 R-20 - Row dwellings	70%
R-20 - Detached and semi-detached dwellings All other R zones	50%

The lot occupancy would be increased from approximately 20% to 35%, which is less than matter-of-right and through special exception relief at 70%.

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

The rear yard relief is due to the decrease in the distance between the existing garage and the rear of the home due to the proposed addition as shown in the plans at [Exhibit 6](#). The Applicant has requested relief for the garage structure partially within a required rear yard, consistent with this provision.

(c) *Pervious surface. N/A*

5201.2 & 5201.3 N/A

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 light and air available to the adjacent properties should not be adversely impacted by the proposed rear addition which results in the relief requested. The existing side yard would be retained to reduce impact to the home to the west, and the accessory building/garage is not proposed to be changed. The garage location does not now create an adverse impact, and this is not anticipated to change. The addition should not adversely impact the home adjoining the property line to the east, as the addition would maintain a 14 feet separation to allow for light and air to the property to the east.

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

Change to the privacy and use of enjoyment of neighboring property is not anticipated as the rear addition to the home would essentially be a matter-of-right addition, satisfying all bulk requirements. No windows would be added to the adjoining neighbor's shared property line to increase views into the neighbor's rear yard.

(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 rear addition would be barely visible from the alley due to the existing garage which would not be altered or removed. Where limited visibility occurs from the street frontage, the addition is designed to be in character of the existing home, as shown in the architectural drawings at [Exhibit 6](#).

(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 all required exhibits at [Exhibit 2](#), (plat); [Exhibit 5](#) (color photos); and [Exhibit 6](#) (architectural plans and elevations).

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 propose additional treatment for protection of nearby 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.*

All use requirements would remain within the requirements of the residential 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 change in the rear yard between the accessory building and the new rear addition would remain in harmony with the intent of the regulations as the rear addition would not create an adverse impact on the neighbors. Any impact due to the rear yard reduction would remain on the property as the reduction in the required rear yard would be minimal. The garage structure does not extend across the width of the rear yard and the overall rear yard would be 37.3 feet, well within the requirements.

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

As stated under the review criteria of § 5201, neighboring property would not be impacted by the change in the accessory structure's rear yard requirement.

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

## **V. OTHER DISTRICT AGENCIES**

The District Department of Transportation (DDOT) informed OP via email that there are no objections to the subject special exception request.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

An ANC report had not been added to the record at the writing of this report.

## **VII. COMMUNITY COMMENTS**

Comments from neighbors had not been added to the record at the writing of this report.

Attachment: Location Map

**Location Map:**

