

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Shepard Beamon, Development Review Specialist
 JL Joel Lawson, Associate Director Development Review
DATE: May 8, 2025

SUBJECT: BZA Case 21290: Request for special exception relief for a rear addition and deck to a detached 2-story dwelling at 28 46th Place NE.

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:

- Rear Yard Addition, D § 207.4 (10 ft. required; 15 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address	28 46 th Place NE
Applicants	Carolyn Hantz, owner
Legal Description	Square 5138, Lot 77
Ward, ANC	Ward 7, ANC 7F
Zone	R-2, low density residential
Historic Districts	N/A
Lot Characteristics	Rectangular lot measuring 2,562.5 sq. ft. with a 5-foot building restriction line in the front yard and rear alley access
Existing Development	Two-story, semi-detached dwelling with a one-story detached garage
Adjacent Properties	Two-story detached, semi-detached and multiple dwellings
Surrounding Neighborhood Character	The surrounding neighborhood consists of a variety of dwelling types including detached, semi-detached and multiple unit dwellings.
Proposed Development	Construct a two-story plus cellar rear addition to the existing dwelling

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	30 ft. min.	25 ft.	No change	None requested
Lot Area D § 202	3,000 sq. ft. min.	2,562.5 sq. ft.	No change	None requested
Height D § 203	40 ft. max.	N/A	40 ft.	None requested
Front Setback D § 206	Within the range of existing front setbacks on the same block	N/A	No change	None requested
Rear Yard D § 207	20 ft. min.	48.67 ft. (Approx.)	33.67 ft. (Approx.)	None requested
Rear Addition D § 207.5	10 ft. beyond the farthest rear wall of an adjoining property	N/A	15 ft.	Relief requested
Side Yard D § 207	8 ft. min.	6.08 ft.	8 ft. (New addition only)	None requested
Lot Occupancy D § 210	40% max. by right	28.24%	39.96%	None requested
Parking C § 701	1 space per dwelling	N/A	N/A	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 ...:*
- (b) Yards, including alley centerline setback; and*
- (c) Pervious surface.*

The applicant is requesting special exception relief from the rear yard requirements to allow a 15-foot rear addition, which extends five feet further than the allowed 10 feet. The applicant was issued a building permit (B2205045) in 2024. Construction has since begun and is nearly completed. During a wall check, it was observed that the rear wall of the rear addition extended beyond the allowed 10 feet and a stop-work order was issued. The required rear yard shall be provided for the full width of the lot and shall be unoccupied by any accessory buildings.

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 property shares a property line with the property to the north. OP does not anticipate that the new addition would create excessive shadows on the neighboring lot with which the building wall and lot line are shared.

The building, in conjunction with the new addition, would be separated from the rear neighboring property by over 45 feet, including a 15-foot rear alley; while the neighboring property to the south has a large side yard plus the side yard on the subject property. Therefore, there should be adequate light and air for all neighboring properties.

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

The proposed rear elevation would not include windows facing the property with which a side lot line is shared and would not result in direct views into the neighboring yard and attached dwelling windows. As such, the privacy of adjacent neighbors should not be unduly compromised.

(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 it would be visible from the alley. However, it should not be out of character with the alley and would not substantially intrude upon the scale and pattern of the surrounding houses.

(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 adequate graphical representation to the record with plans, photographs 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 recommend special treatment as the addition cannot be viewed from the street.

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 requested relief would not result in the expansion of a nonconforming use, as the building

will continue to be a single-family dwelling. The requested relief would also comply with the required lot occupancy, yards, and building height.

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;*

As provided by the applicant in the architectural drawings ([Exhibit 6](#)), the requested relief should not result in an addition that would be inconsistent with the intent of the R-2 zone and would not exceed the maximum building height, lot occupancy, or minimum side and rear yards for the zone.

- (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 addition should not intensify any impact on the use of neighboring properties. As discussed above, the requested relief would not result in a addition that would significantly impact the use, privacy, or enjoyment of neighboring properties.

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

OP does not recommend special conditions.

V. OTHER DISTRICT AGENCIES

DDOT has informed OP that it has no objection to the proposal.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 7F has provided a letter of support to the case record ([Exhibit 18](#)).

VII. COMMUNITY COMMENTS

To date, there are no letters from the public in the record.

LOCATION MAP

