


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Joshua Mitchum, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: May 21, 2025

SUBJECT: BZA Case 21293: Request for special exception relief pursuant to Subtitle X § 901.2 to allow for the construction of a third-story roof deck and a three-story rear addition to an existing, attached, two-story residential dwelling unit in the RF-1 Zone.

I. RECOMMENDATION

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

- Side Yard, E § 208 (3 ft. required, 2 ft. existing; 2 ft. proposed)

II. BACKGROUND INFORMATION

In their statement of justification, the Applicant states that the proposed addition was already partially constructed pursuant to past approvals and permits. However, a recent wall check inspection revealed that an erroneous survey plat resulted in the partially constructed addition being built two feet off of the south property line, and an equal distance over the north property line.

The Applicant states that they will be purchasing the two-foot-wide tax lot that exists between their property and the neighboring property to the north in order to rectify the issue with the north property line. Finally, in order to rectify the south property line issue, with the subject application, the Applicant is requesting special exception relief from the side yard setback requirements of Subtitle E § 208.

III. LOCATION AND SITE DESCRIPTION

Address:	1109 4 th Street NE
Applicant:	Square Fifteen Development LLC c/o Martin Sullivan
Legal Description:	Square 0805, Lots 0021 & 0800
Ward / ANC:	Ward 6, ANC 6C
Zone:	RF-1, Residential Low-Moderate Density
Historic Districts	N/A
Lot Characteristics:	The 2,000 square foot lot is rectangular in shape and has 18 feet of frontage along 4 th Street NE, and 18 feet of frontage along a 10-foot-wide public alley to the rear.
Existing Development:	The lot is currently improved with a two-story, single-family row home.

Adjacent Properties:	The property is bounded to the north, south, east, and west by similar single-family row homes in the RF-1 Zone.
Surrounding Neighborhood Character:	The surrounding neighborhood character consists of low-to-moderate single-family, attached row homes.
Proposed Development:	The Applicant is proposing to construct a third-story addition and third-story rear yard addition.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 203	35 ft. max.	23 ft. 3 in.	33 ft. 4 in.	None requested
Lot Width E § 202	18 ft. min.	20 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min.	2,000 sq. ft.	No change	None requested
Lot Occupancy E § 210	60% max.	33%	54%	None requested
Rear Yard E § 207	20 ft. min.	66 ft. 11 in.	40 ft.	None requested
Side Yard E § 208	5 ft. min. 3 ft. min (additions to non-conf. buildings)	2 ft. (existing non-conformity)	2 ft. (proposed addition)	Special exception requested
Parking C § 701	1.0 spaces	2.0 spaces	No change	None requested

V. OFFICE OF PLANNING ANALYSIS

Subtitle E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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.*

Special exception relief from the side yard requirement of Subtitle E § 208 is being requested with the subject application.

5201.2 This section is not applicable to the subject application.

5201.3 This section is not applicable to the subject application.

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 proposed addition should not unduly affect the light and air available to neighboring properties. The addition, as presented, would not extend a significant amount beyond the rear wall of neighboring properties. Furthermore, the proposed addition would follow the existing building line and be partially screened by existing privacy fences along the left and right sides of the property.

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

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. As presented, the addition would not have any north or south-facing windows.

(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 should not substantially visually intrude upon the character, scale, and pattern of the surrounding area. There are similar existing third story additions in the surrounding 4th Street area, and the proposed addition would be partially screened from view by existing privacy fences. Furthermore, the addition is designed to match the façade of the existing home.

(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 and elevation drawings in their submission that sufficiently represents the relationship of the proposed addition to adjacent buildings and views from public rights-of-way.

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 is not recommending that the BZA require special treatment in the way of screening or other features for the subject application.

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 proposed addition would not result in a use or building lot occupancy, height or bulk that would be inconsistent with the intent of the zone.

Subtitle X § 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, if granted, would be in harmony with the general purpose and intent of the RF-1 Zone, which is to “provide for areas predominately developed with residential row buildings on small lots within which no more than two principal dwelling units are permitted”. The proposed addition would not alter the property’s ability to continue its use as a single-family residential dwelling.

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

As detailed earlier in this report, the special exception, if granted, should not adversely affect the use of neighboring properties

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

The applicant has adequately addressed the criteria for special exception review for this case.

VI. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has indicated that it has no objections to the application as presented. As of the date of this report, no comments from other District agencies have been received.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, a report from ANC 6C has not been submitted into the record.

VIII. COMMUNITY COMMENTS

As of the date of this report, two letters (Exhibit 18, Exhibit 19) in support of the subject application have been submitted into the record.

Location Map

