



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Joshua Mitchum, Development Review Specialist  
**JL** Joel Lawson, Associate Director, Development Review  
**DATE:** June 13, 2025

**SUBJECT:** BZA Case 21309: Request for special exception relief to allow for a rear yard addition to an existing single-family dwelling unit in the R-2 Zone.

### **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 (Rear Extension), D § 207.4** (10 ft. max. required, 15 ft. 2.5 in. existing; 22 ft. proposed)

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

<b>Address:</b>	5012 Nebraska Avenue NW
<b>Applicants:</b>	Henry Gonzalez & Risa Tochiki c/o George Kearley, AIA
<b>Legal Description:</b>	Square 1879; Lot 0038
<b>Ward; ANC:</b>	Ward 3; ANC 3F
<b>Zone:</b>	R-2, Low/Moderate-Density Residential
<b>Historic Districts:</b>	N/A
<b>Lot Characteristics:</b>	The 4,513 square foot lot is rectangular in shape, and has 29.25 feet of frontage along Nebraska Avenue, and 29.25 feet of frontage along a 20-foot-wide public alley to its rear.
<b>Existing Development:</b>	The lot is currently improved with a two-story with cellar, semidetached single-family row dwelling, as well as a rear yard deck and patio.
<b>Adjacent Properties:</b>	The property is bounded to the north and south by single-family detached and semi-detached homes in the R-1B and R-2 Zones, to the east by detached single-family homes in the R-1B Zone, and to the west by detached and semidetached homes in the R-2 and MU-3A Zones.
<b>Surrounding Neighborhood Character:</b>	The surrounding neighborhood is characterized by low to moderate density detached and semidetached row homes.



<b>Proposed Development:</b>	The Applicant is proposing improvements to the existing single-family dwelling, which includes a rear yard addition and a conforming accessory dwelling unit (ADU) in the cellar.
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	30 ft. min. (Semidetached)	29 ft. 3 in.	No change	Existing nonconformity
Lot Area D § 202	2,500 sq. ft. min. (Semidetached)	4,513 sq. ft.	No change	None requested
Height D § 203	40 ft. max. 3 stories max.	24 ft. 4 in.	No change	None requested
Front Setback D § 206	Consistent with block row	23 ft. 5 in.	No change	None requested
Rear Yard D § 207	20 ft. min.	61 ft. 11 in.	55 ft. 1 in.	None requested
<b>Rear Extension E § 207.4</b>	<b>10 ft. max.</b>	<b>15 ft. 2.5 in.</b>	<b>22 ft.</b>	<b>Special exception requested</b>
Side Yard D § 207	8 ft. min.	10 ft.	No change	None requested
Lot Occupancy D § 210	40% max. by right 50% max by sp. ex.	31%	38%	None requested
Parking C § 701	1 space per principal dwelling min.	2 spaces	No change	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) Not applicable to the subject application.
- (b) *Yards, including alley centerline setback; and*

The application is requesting special exception relief from the rear yard requirements of R-2 Zone, specifically the maximum rear wall extension of 10 feet beyond the farthest rear wall of any adjoining principal building.

- (c) Not applicable to the subject application.

5201.2 Not applicable to the subject application.

5201.3 Not applicable to the subject 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 proposed addition should not unduly affect the light and air available to neighboring properties. The addition does not represent a significant extension beyond the existing building, and it is proposed to be the same height as the existing structure, which is well under what is permitted under zoning.

Furthermore, OP requested and the Applicant has provided a shadow study estimating the potential effects of the proposed rear yard addition in the spring, summer, fall, and winter seasons. The study shows that the additional shadows cast by the addition should not be substantial enough to unduly affect the light available to neighboring properties. OP has advised the applicant to submit a copy of the study to the record.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed addition would be partially screened by existing privacy fences. There would be additional windows facing towards the house and front yard of the house to the north of the site, but the proposed addition provides the required side 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 proposed addition should not substantially visually intrude upon the character, scale, or pattern of houses along Nebraska Avenue NW. The elevations and architectural drawings submitted by the Applicant show that the addition has been designed to match the principal structure. Furthermore, the views from the alley would not be substantially intruded upon, as the addition would still provide the required rear yard.

(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 colored photographs, architectural drawings, and elevations with their application submission that adequately 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 does not recommend special treatment for this 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 special exception relief would not result in the expansion or introduction of nonconforming use beyond what is authorized in this section. The existing use of the property is single-family residential, and the proposed addition should not compromise the property's ability to continue operating as such.

## **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 R-2 Zone, which is to provide for areas predominately developed with semi-detached houses on moderately sized lots. The proposed rear yard addition should not compromise the subject property's ability to continue operating as a single-family residential dwelling, and would not result in a dwelling that is inconsistent with the use or bulk anticipated in this zone.

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

As stated earlier in the report, the special exception, if granted, should not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The proposed addition would be partially screened by existing privacy fences, and the addition is proposed to be designed to match the existing house.

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

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

## **V. OTHER DISTRICT AGENCIES**

The District Department of Transportation (DDOT) has indicated to OP that it has no objections to the approval of the subject application.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the date of this report, a report from ANC 3F has not been submitted into the record.

## VII. COMMUNITY COMMENTS

As of the date of this report, one letter in support of the subject application has been submitted into the record as Exhibit 16.

**Location Map**

