

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** June 18, 2025

**SUBJECT:** BZA Case 21311: Request for special exception relief pursuant to allow a rear addition at 406 7<sup>th</sup> Street NE.

### **I. RECOMMENDATION**

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

- E § 207.1, Rear Yard (20 ft. min required, 9.67 ft. existing; 9.67 ft. proposed); and
- E § 210.1, Lot Occupancy (60% max required, 58.9% existing; 61.1% proposed)

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

Address:	406 7th Street NE
Applicant:	Jennifer Fowler on behalf of James and Alison Eyring
Legal Description:	Square 862; Lot 33
Ward / ANC:	Ward 6; ANC 6C
Zone:	RF-1, low to moderate density residential
Historic Districts	Capitol Hill Historic District
Lot Characteristics:	Rectangular Corner Lot measuring 25 ft. x 50 ft. with a 10 ft. public alleyway to the rear.
Existing Development:	Single Family Row Building
Adjacent Properties:	Residential Row Buildings
Surrounding Neighborhood Character:	Low to Moderate Density Residential Neighborhood
Proposed Development:	Single Family Row building renovation and rear addition

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Density E § 201 (302)	2 principal units max.	1 unit	No Change	None Requested
Lot Width E § 202 (201)	18 ft. min.	25 ft.	No Change	None Requested
Lot Area E § 202 (201)	1,800 sq. ft. min.	1250 sq.ft.	No Change	None Requested
Height E § 203 (303)	35 ft. max.	35.75 ft.	No Change	None Requested
Rear Yard E § 207 (306)	20 ft. min.	9.67 ft.	No change	Relief Requested
Lot Occupancy E § 210 (304)	60% max. (70% by Spex. Ex.)	58.93%	61.07%	Relief Requested

### IV. OP ANALYSIS

#### Subtitle E Chapter 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.*

The requested relief to maximum lot occupancy and minimum required rear yard are allowed through special exception.

*5201.2 & 5201.3 not relevant to this 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 proposal would replace the existing two-level deck with a rear addition, with only a small increase in the size of the structure. Given this and the orientation of the existing house and surrounding houses, the addition is unlikely to introduce an undue impact on

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<sup>1</sup> Provided by the applicant

the availability to light to neighboring properties.

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

The addition would not increase the height of the building nor are windows proposed on the shared wall elevation. Additionally, no new views would be created past what currently exists with the existing decks. Therefore, it should not have an impact on the neighbors' privacy of use, or enjoyment, any more than the existing structure.

- (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 be visible from Lexington Place NE as well as from the public alley. However, the addition would be no more visible than the deck being replaced, is designed to reflect the character of the area, and should not intrude on the character, scale, and pattern of houses along the street and alleyway.

- (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 plans, photographs, and elevations to sufficiently represent the relationship of the proposed addition from public ways.

- 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.*

No special treatment is recommended.

- 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 addition would otherwise comply with the RF-1 development standards. The requested lot occupancy relief is within that is allowed by special exception in the RF-1 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 proposal would be consistent with the intent of the RF-1 zone requirements. Specifically, the addition would otherwise be consistent with the development requirements of the zone. Additionally, the lot occupancy requested would be within what is allowed by special exception and consistent with the of the surrounding properties.

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

The addition is within the range of building depth of other properties along the alleyway and would not increase the height of the building. Therefore, the addition should not intensify any impact to the use of neighboring properties.

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

The form of relief is within the allowed criteria of E § 5201, provided above.

## **V. OTHER OP DIVISIONS**

OP- Historic Preservation has informed Development Review that this application may be approved administratively.

## **VI. OTHER DISTRICT AGENCIES**

At Exhibit #20 is a memo from DDOT indicating no objection to the approval of this application. As of the writing of this report, there are no other comments from District Agencies in the record

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

At Exhibit #19, there is a report in support from ANC 6C.

## **VIII. COMMUNITY COMMENTS**

At Exhibits #16 and 18 are letters in support from the adjoining neighbor at 404 7th Street, NE.

Attachment: Location Map

Figure 1: Location Map

