



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Development Review Specialist
JL Joel Lawson, Associate Director, Development Review
DATE: July 2, 2025

SUBJECT: BZA Case 21317: Request for special exception and area variance relief to allow for the construction of a two-story w/ cellar rear addition to a semi-detached home.

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, D § 207.1** (20 ft. min. required, 25.9 ft. existing; 16.2 ft. proposed); and
- **Pervious Surface, D § 211.1** (20% min. required, 13% existing; 11.9% proposed)

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle X § 1002:

- **Lot Occupancy, D § 210.1** (60% max. required, 59.3% existing, 73.5% proposed)

II. LOCATION AND SITE DESCRIPTION

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| Address: | 2413 I Street NW |
| Applicants: | Milu Properties, LLC |
| Legal Description: | Square 0028; Lot 0096 |
| Ward / ANC: | Ward 2 / ANC 2A |
| Zone: | R-3/FB, Foggy Bottom Residential House |
| Historic Districts: | Foggy Bottom Historic District |
| Lot Characteristics: | The 812.5 square foot lot is rectangular in shape and has 12.5 feet of frontage along I Street NW, and 12.5 feet of frontage along a 10-foot-wide public alley in its rear. |
| Existing Development: | The lot is currently improved with a two-story, single-family semidetached residential dwelling unit w/ cellar. |
| Adjacent Properties: | The property is bounded to the north, south, east, and west by residential and institutional uses in the R-3/FB Zone. |
| Surrounding Neighborhood Character: | The surrounding neighborhood character can be described as low to moderate-density single family row houses on a variety of lot size and configurations, with a large central alleyway network connecting similar uses in the same square. |

Board of Zoning Adjustment

District of Columbia

CASE NO. 21317

EXHIBIT NO. 2



| | |
|------------------------------|--|
| Proposed Development: | The Applicant is proposing to construct a 9.7 foot by 11.9-foot two-story rear yard addition to an existing principal dwelling unit. |
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

| R Zone (R-3/FB) | Regulation | Existing | Proposed | Relief |
|-------------------------------------|---|-----------------|-----------------|---|
| Lot Width D § 202 | 20 ft. min. | 12.5 ft. | No change | None requested (existing nonconformity) |
| Lot Area D § 202 | 2,000 sq. ft. min. | 812.5 sq. ft. | No change | None requested (existing nonconformity) |
| Height D § 203 | 40 ft. max. | 24.6 ft. | No change | None requested |
| Rear Yard D § 207 | 20 ft. min. | 25.9 ft. | 16.2 ft. | Special Exception requested |
| Side Yard D § 207 | 0 ft. min. | 0 ft. | No change | None requested |
| Lot Occupancy D § 210 | 60% max. by right 70% max by sp. ex. | 59.3% | 73.5% | Area Variance requested |
| Pervious Surface D § 211 | 20% max. | 13% | 11.9% | Special Exception requested (existing nonconformity) |
| Parking C § 701 | 0 spaces min. | 1 spaces | No change | None requested |

IV. OFFICE OF PLANNING 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 subject to the following table:

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

| Zones | Type of Structure | Maximum Percentage of Lot Occupancy (%) |
|-----------------------------|--------------------------|--|
| All R-3 zones except R-3/GT | All Structures | 70 |

| Zones | Type of Structure | Maximum Percentage of Lot Occupancy (%) |
|-------------------|---------------------------|---|
| R-3/GT | Row | |
| R-3/GT | Detached Semi-detached | 50 |
| All other R zones | All Structures | |

The Applicant is proposing a lot occupancy of 73.5% in order to construct the proposed rear yard addition so has requested an area variance, analyzed below.

(b) Yards, including alley centerline setback; and

The Applicant is requesting special exception relief from the rear yard requirements.

(c) Pervious surface.

The Applicant is requesting special exception relief from the pervious surface requirements.

5201.2 & 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 Applicant has submitted a sun study (Exhibit 4) that shows that additional excessive shadows would not be cast by the proposed rear addition.

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

The proposed addition should not unduly compromise the use and enjoyment of neighboring properties. No exterior windows that look directly into neighboring properties have been proposed with the addition. Furthermore, the addition would be partially screened by an expansion of an existing privacy fence.

(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 houses along I Street NW or alley frontage. The addition is proposed to align the rear extension of the dwelling with that of neighboring houses. The proposed addition would use brick materials similar to the existing dwelling in order to not create a substantial departure from the character and pattern of houses along I Street NW.

(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 graphical representations such as plans, sun studies, color photographs, and elevations to adequately represent the relationship of the proposed addition.

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 additional treatment for the protection of nearby properties for the subject property.

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 relief for the proposed addition would not result in the introduction or expansion of nonconforming uses. The Applicant has requested an area variance for lot occupancy as analyzed below.

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 requested relief would result in a rear yard addition that would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because it would not result in a structure that would be inconsistent with the R-3/GT Zone, in terms of bulk or use, and height would be unaffected and well below the permitted height in the zone.

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

As discussed above, the proposed rear addition should not adversely affect the use of neighboring properties. The rear wall of adjacent houses currently projects farther than that of the subject house, and the proposed addition would bring it in line with its neighbors. Furthermore, the proposed addition will be partially screened by an expansion of the existing privacy fence.

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

Special conditions have not been specified for the subject application.

Subtitle X § 1000 GENERAL PROVISIONS (AREA VARIANCES)

1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

A. Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

(1) Extraordinary or Exceptional Situation

The DC Court of Appeals has found that exceptional conditions that are common to multiple lots in proximity to each other can be part of meeting the variance test through a “confluence of factors”, but that an Applicant must demonstrate that the property in question exhibits an exceptional or extraordinary condition unique to their property in order to be granted an area variance.

In the subject application, the Applicant cites the “narrowness, shallowness, and small area” of the existing lot. Per Subtitle D § 202.1, row houses in R-3 zones require a minimum lot area of 2,000 square feet. As the subject property has an existing lot area of 812.5 square feet, it can reasonably be considered undersized relative to the current R-3 Zone development standards. The Square contains lots of a wide variety of sizes and configurations, so the subject property is similar in size to some other lots, but smaller than others. The Applicant notes that even though most lots on the square have similarly nonconforming and undersized lots, some have rear walls that extend up to 10 feet further than that of the subject property.

(2) Condition Resulting in Practical Difficulty

To obtain variance relief, the applicant must demonstrate exceptional practical difficulties that are caused by an extraordinary or exceptional condition that is unique to the property. The existing property has a lot occupancy of over 58%, leaving about 2% of lot area to expand before triggering the required special exception relief threshold of 60% for row homes in R-3/GT zones. While the applicant has not made a particularly strong case for area variance relief, OP believes that a practical difficulty, arising from the conditions of the property does exist.

A conforming lot in the R-3/GT Zone could have a building footprint of up to 1,200 square feet without applying for special exception relief. The Applicant for this case would only have approximately 6 square feet of by-right addition, or 77 sq.ft. of addition permitted by special exception. Neither of these would allow a reasonable or workable size for an addition to the existing small house, particularly given the Applicant’s intent to simply bring the proposed addition in line with the rear wall facades of adjacent lots. While a new third story, which could

be done without lot occupancy relief, could be possible given the relatively low height of the existing building, this would also appear to create practical difficulties, in that the additional circulation space needed to access a new upper story would have a detrimental impact on the very tight second floor layout for this small house. A new third floor could also result in additional impacts on neighboring properties.

B. No Substantial Detriment to the Public Good

The requested area variance for a rear addition to the subject property would likely not result in substantial detriment to the public good. The proposed addition would bring the rear wall façade of the property in line with the adjacent property at 2415 I Street NW, and should not result in impacts on privacy, light or air flow through the square. Rather, a conforming solution – the addition of another story – would be possible, but could have somewhat greater impact on neighbors.

C. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The building was constructed prior to the establishment of the 1958 Zoning Regulations and is nonconforming to the R-3/GT Zone regulations. The requested relief for the proposed rear addition, if granted, should not result in a building form, bulk height, or use unanticipated in zoning, and should not appear as an overdevelopment of the site on the block. As such, in this instance, the proposal should not result in a significant impairment to neither the intent nor the integrity of the R-3/GT provisions of the Zoning Regulations.

V. OTHER DISTRICT AGENCIES

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

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 26 is a report from ANC 2A in support.

VII. COMMUNITY COMMENTS

As of the date of this report, comments from community members have not been received.

Location Map

