



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Joshua Mitchum, Development Review Specialist  
 Joel Lawson, Associate Director, Development Review  
**DATE:** August 29, 2025

**SUBJECT:** BZA Case 21327: Request for special exception relief to expand an existing child development home use from nine (9) children to twelve (12) children in a detached, two-story principal dwelling unit in the R-1B Zone.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle U § 251 and Subtitle X § 901:

- **Home Occupation Uses (R), U § 251.1(b), pursuant to U § 251.1(b)(3)** (7-9 children max. required, 7-9 children existing; 12 children proposed)
- **Home Occupation Uses (R), U § 251.3(b)** (250 sq. ft. max. allowed 500 sq. ft. existing, 500 sq. ft. proposed)

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

<b>Address:</b>	4433 19 <sup>th</sup> Place NE
<b>Applicants:</b>	Yeabsira Geda & Muluwork Kenea
<b>Legal Description:</b>	Square 4186 ; Lot 0035
<b>Ward / ANC:</b>	Ward 5 / ANC 5B
<b>Zone:</b>	R-1B, Low-Density Detached Residential
<b>Historic Districts:</b>	N/A
<b>Lot Characteristics:</b>	The 5,212-square foot lot is triangular in shape and has approximately 102 feet of frontage along 19 <sup>th</sup> Place NE, and approximately 139 feet of frontage along a 16-foot-wide public alley in the rear yard.
<b>Existing Development:</b>	The lot is currently improved with a two-story, detached principal dwelling unit.
<b>Adjacent Properties:</b>	The subject property is bounded to the north by detached homes in the R-1B Zone, to the south by detached homes in the R-1B Zone, to the east by 19 <sup>th</sup> Place NE and detached homes in the R-1B Zone, and to the west by detached homes in the R-1B Zone.

<b>Surrounding Neighborhood Character:</b>	The surrounding neighborhood is generally low-density detached residential.
<b>Proposed Development:</b>	Expand the maximum number of children permitted for a child development home use from nine to twelve, and expand the maximum permitted square footage to operate a home occupation use from 250 square feet to 500 square feet.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-1B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width D § 202	50 ft. min.	Not given	No change	None requested
Lot Area D § 202	5,000 sq. ft. min.	5,212 sq. ft.	No change	None requested
Height D § 203	40 ft. max. 3 stories max.	Not given	No change	None requested
Front Setback D § 206	-	17 ft.	No change	None requested
Rear Yard D § 207	25 ft. min.	Not provided	No change	None requested
Side Yard D § 207	8 ft. min.	8 ft. 15.5 ft.	No change	None requested
Lot Occupancy D § 210	40% max. by right 50% max by sp. ex.	18.8%	No change	None requested
Parking C § 701	1.0 space per dwelling unit min.	1 space	No change	None requested
<b>Child Development Home U § 251.1</b>	<b>7-9 children max. by-right 10-12 children max by sp. ex.</b>	<b>7-9 children</b>	<b>12 children</b>	<b>Special Exception requested</b>

### IV. OP ANALYSIS

#### Subtitle U § 251 HOME OCCUPATION USES (R)

251.6 *A home occupation that is neither permitted nor prohibited in this chapter may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X, subject to the following conditions:*

(a) *The proposed use and related conditions shall be consistent with the purposes of this chapter and shall generally comply with the requirements of Subtitle U §§ 251.1 through 251.4, subject to specific findings and conditions of the Board of Zoning Adjustment in each case;*

The proposed child development home use is consistent with the purposes of Chapter 2 – Use Permissions Residential House (R) Zones and is generally compliant with the

requirements of Subtitle U §§ 251.1 through 251.4. The subject property is currently operating as a child development home, and the Applicant has obtained the requisite Home Occupation Permit (HOP).

- (b) *An applicant for a home occupation that is permitted by Subtitle U § 251.10 may request the Board of Zoning Adjustment to modify no more than two (2) of the conditions enumerated in Subtitle U §§ 251.3 and 251.4;*

The Applicant is requesting to modify conditions enumerated in Subtitle U § 251.3 specifically U § 251.3(b), the maximum permitted square footage for home occupation uses and the maximum permitted children for a child development home.

The Applicant has proposed to expand the minimum allowable space for the existing child development home use to 500 square feet in the lower level of the dwelling. The Applicant states that this expansion is essential to provide increased quality, comfort, and safety in the operation of the child development home use. OP notes that this expansion, should it be granted, would comply with the minimum 35 square feet per individual as stated in Subtitle U § 251.1 (b)(2).

- (c) *In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;*

Per the Applicant's burden of proof, no more than two people who are not residents of the subject home would be employees of the home occupation nor co-practitioners of the profession.

- (d) *Any request to modify more than two (2) of the requirements found in Subtitle U §§ 251.3 and 251.4 shall be deemed a request for a variance; and*

The Applicant has not requested to modify more than two of the requirements found in Subtitle U §§ 251.3 and 251.4.

- (e) *In considering any request for approval under this section, the Board of Zoning Adjustment shall determine that the request is consistent with the general purposes and intent of this chapter and may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this chapter.*

OP does not recommend special treatment in the way of parking, screening or other requirements for the subject application.

## **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 proposal would be in harmony with the general purpose and intent of the Zoning Regulations and the R-1B Zone. Increasing the maximum number of children

permitted at the subject child development home from 9 children to 12 children would not compromise the property's primary use as a residential dwelling unit, or result in a more intensive home occupation than anticipated by 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 special exception, if granted, should not adversely affect the use of neighboring properties. A child development use is already in operation on the site for 9 children.

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

As noted above, the applicant has requested relief from one condition related to the area of the house devoted to the existing and proposed facility, which would not increase in area as part of this application.

## **V. OTHER DISTRICT AGENCIES**

A report from the District Department of Transportation (DDOT) indicating no objections to the application has been submitted into the record as Exhibit 27.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

A report from ANC 5B indicating support for the subject application has been submitted into the record as Exhibit 26.

## **VII. COMMUNITY COMMENTS**

As of the date of this report, no comments from the community have been added to the record.

Attachments: Location Map

**Location Map**

