

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Shepard Beamon, Development Review Specialist  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** September 26, 2025

**SUBJECT:** BZA Case 21346: Request for special exception and area variance relief to construct a rear addition (deck) to an existing, attached, two-story plus basement, principal dwelling unit at 1130 4<sup>th</sup> Street NE.

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

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

- Lot Occupancy E § 210.1 (60% permitted or 70% by special exception; 84% existing; 100% requested)<sup>1</sup>

If the Board determines that the applicant has met the area variance test for lot occupancy, OP recommends **approval** of the special exception for the rear yard, pursuant to Subtitle D § 5201 and Subtitle X § 901:

- Rear Yard E § 207.1 (20 ft. required, 10 ft. existing; 0 ft. proposed)

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

Address	1130 4 <sup>th</sup> Street NE
Applicants	Florencia Jewell on behalf of Daniela Serrano Pavon
Legal Description	Square 773, Lot 72
Ward, ANC	6C
Zone	RF-1 - low density residential, one family or flat
Historic Districts	N/A
Lot Characteristics	A 987.3 sq. ft. rectangular lot that abuts a 15 ft. wide rear alley.
Existing Development	The lot is improved with a two-story row dwelling with a basement.
Adjacent Properties	Single-family row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally row dwellings.
Proposed Development	Construct a new rear deck addition off the main level of the house.

<sup>1</sup> In Zoning Case [25-12](#), the Omnibus zoning text amendment, OP proposed a text amendment to exempt up to 200 sq. ft. of a rear deck such as the proposed deck in this case from the required lot occupancy, intended to address situations like this one, at the request of the Zoning Commission. It is scheduled for a public hearing on October 30, 2025.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed <sup>2</sup>	Relief
Density E § 201	Two principal dwellings per lot	One principal dwelling	No change	None requested
Lot Width E § 202	18 ft. min.	20 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min.	987.3 sq. ft.	No change	None requested
Height E § 203	35 ft.	30 ft.	No change	None requested
Rear Yard E § 207	20 ft. min.	10 ft.	0 ft.	<b>Special Exception Relief requested</b>
Lot Occupancy E § 210	60% max. by right 70% by sp. ex.	84%	100%	<b>Area Variance Relief requested</b>
Pervious Surface E § 211	0% required for less than 1,800 sq. ft. lot area	N/A	N/A	None requested
Parking C § 701	1 space per principal dwelling unit.	0 spaces	No change	None requested

### IV. OP ANALYSIS

#### Subtitle X Section 1000 AREA VARIANCE FOR LOT OCCUPANCY

*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."*

#### ***Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty***

##### ***a. Extraordinary or Exceptional Situation***

In this case, the lot size is approximately half the minimum lot size now required in the RF-1 zone. The property currently provides a 10-foot rear yard, less than the

---

<sup>2</sup> Computations provided by the Zoning Administrator.

minimum required in the zone. Although the house currently occupies a significant amount of the lot (84%) and the constraint of the property significantly impacts the option for expansion, most lots on the same block face are developed to a similar capacity. Similar lots are common throughout the District. The applicant also notes that the rear yard area slopes down steeply from the alley to the house, limiting the use of this space. While this collectively may not constitute a *unique* situation, it does appear to rise to an exceptional condition for rowhouse development in the District.

*b. Exceptional Practical Difficulties*

According to the applicant, the small size of the lot and the small, sloping 10-foot rear yard limits the options for using this space for outdoor recreation on site. However, the BZA has recently clarified in deliberations for other similar cases that the lack of outdoor recreation space on a property does not, in and of itself, constitute an exceptional condition resulting in a practical difficulty, as the current zoning regulations do not clearly indicate that residents are entitled under zoning to private outdoor recreational space on their property.

***No Substantial Detriment to the Public Good***

The requested lot occupancy relief to allow a rear deck would not likely result in a substantial detriment to the public good. The deck is not visible from 4<sup>th</sup> Street NE, but similar to other decks, would be visible from the alley and would not be unlike other decks along the alley, which are also built on or close to the rear property line. It is not certain if other decks in the immediate area were constructed legally and are conforming structures. Therefore, the proposal should not result in a structure that is substantially different from the character, scale and pattern of other decks and houses along the alley.

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

OP does not find that the proposed increase in permitted lot occupancy for a deck would result in a significant impairment to the general purpose and intent of the zoning regulations. The proposed deck would accommodate space for additional use underneath while maintaining rear outdoor space above; therefore, the use of rear yard would not be eliminated. The deck would not appear to result in building height, bulk, or use inconsistent with the intent of the zoning and should not appear as an over-development of the site when compared to other homes on the block.

As such, should the Board determine that the applicant has adequately met the first part of the three-part area variance test, OP would have no opposition to the relief requested.

**Subtitle E § 5201 SPECIAL EXCEPTION FOR REAR YARD RELIEF**

*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 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 applicant has requested special exception relief from the rear yard setback requirement to allow a rear deck in the rear yard.

5201.2 and 5201.3 Not applicable to this 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 deck would be uncovered off the main level of the house. The area below the deck would also be open air. Therefore, there should be no undue impact on light and airflow for adjacent properties.

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

The proposed deck would provide for views towards the rear alley and other dwellings opposite the subject property. This urban area is developed with smaller lots, many of which are developed up to or near the rear property line. Several of the homes on the same block have rear open decks facing the alley.

- (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 deck would not be visible from 4<sup>th</sup> Street NW, but similar to other decks, it would be visible from the alley. Most homes on the same block have smaller rear yards and it is not uncommon for homes to have decks along the alley with similar sizes. The proposed deck is limited to the main level and should not impede traffic in the alley. Therefore, the deck should not substantially visually intrude upon the character, scale and pattern of houses along the alley.

- (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, elevations, and photographs into the record with the latest at Exhibits 4, 5, 9 and 12.

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.

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 house would continue to be used as a single-family residence consistent with the RF-1 zone. No change to the building height or use is being proposed or requested.

#### **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 requested special exception relief would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as it would not result in a structure that would not be inconsistent with the RF-1 Zone in terms of use or height, as the proposed deck would be limited to the main level and would have access to the alley below via exterior stairs.

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

Approval of the requested special exception to reduce the required rear yard is unlikely to significantly adversely affect the neighboring properties, as the proposed deck would be similar to other existing decks along the alley and should not visually disrupt the character or appearance of the surrounding area. The deck should not cast an undue level of shadows or interfere with privacy for adjacent properties.

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

Special conditions have not been specified for the subject application.

#### **V. OTHER DISTRICT AGENCIES**

DDOT has informed OP that they have no objection to the proposal.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the date of this report, ANC 6C has not provided comments to the record.

#### **VII. COMMUNITY COMMENTS**

At the time of the report, there are four letters of support filed to the record.

## LOCATION MAP

