

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Development Review Specialist
MBR
 Maxine Brown Roberts, Associate Director Development Review

DATE: June 5, 2026

SUBJECT: BZA Case 21349A: Modification of Order of approval for construction of a new, detached, two-story accessory structure without a garage, in the RF-1 zone:

I. RECOMMENDATION

Ileana Schinder on behalf of Ed Fendley (Applicant) requests a Modification with Hearing pursuant to Subtitle Y § 704 to modify BZA Order 21349. The Office of Planning (OP) recommends **approval** of the requested modification with hearing and the following relief:

- Area Variance relief pursuant to Subtitle U § 301.1(c)(4)(c) and Subtitle X § 1002: Permanent access (15' alley width required from the accessory building to the street; 10 feet at building);

II. BACKGROUND

BZA 21349, October 21, 2025, approved the following special exception relief [Exhibit 44 of Application 21349](#):

- U § 301.1(e), Accessory Building pre-Jan.1 2013: (New structure); and
- C § 703.2, Parking : No parking provided.

Subsequently, the Department of Buildings (DOB) at permit review determined that additional relief was required shown in its memo at [Exhibit 12](#) which outlined the additional relief needed. Thereafter, based on discussions with OP, the Applicant has since amended its plans to eliminate the need for the alley centerline setback, [Exhibits 38,39 and 40](#).

III. LOCATION AND SITE DESCRIPTION

Address:	628 15 th Street NE
Applicant:	Ileana Schinder on behalf of Ed Fendley
Legal Description:	Square 1051; Lot 0113
Ward / ANC:	Ward 6; ANC 6A
Zone:	RF-1, which permits one or two principal dwellings on a property by right.
Historic Districts	N/A
Lot Characteristics:	Rectangular interior lot measuring 16 ft. x 100 ft. with a 15 ft. wide alleyway to the rear.
Existing Development:	Single-Family Rowhouse

Adjacent Properties:	Residential Rowhouses
Surrounding Neighborhood Character:	Moderate-Density Residential Neighborhood.
Proposed Development:	Single Family Rowhouse with a Detached Accessory Dwelling Unit

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Density E § 201	2 principal units max.; accessory units prohibited.	1 principal unit	2 principal units (1 within principal structure and 1 in an accessory structure.)	None Requested
Lot Width E § 202	18 ft. min.	16 ft.	No Change	Existing Non-conformance.
Lot Area E § 202	1,800 sq. ft. min.	1,600 sq. ft.	No Change	Existing Non-conformance.
Rear Yard E § 207	20 ft. min.	54 feet 7 ins ft.	No Change	None requested
Side Yard E § 208	None required, but 5 ft. min. if provided	N/A	N/A	None requested
Lot Occupancy E § 210	60% max.	40%	58%	None requested
Acc. Building Height E § 5002	22 ft. and two stories maximum.	N/A	20 ft. and two stories.	None requested
Acc. Building Area E § 5003	450 sq. ft. or 30% of the required rear yard, whichever is greater.	N/A	244 sq. ft.	None requested
Acc. Building Use E § 5006	1 principal dwelling unit and/or private vehicular garage.	N/A	1 dwelling unit and no garage.	Relief Requested for no parking
Parking C § 701	1 space per 2 dwelling units	1 space	No space	Relief Approved : Order 21349
Accessory Building U § 301.1 (e)	New dwelling unit allowed in an accessory building constructed pre-Jan. 1, 2013 ²	n/a	New unit proposed in a new accessory building	Relief Approved: Order 21349

¹ Provided by the applicant.

² An amendment to the zoning regulations to eliminate this specific accessory building timing requirement has been filed with the Zoning Commission and was approved as part of Omnibus Text Amendment Case 25-12.

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Access requirement: Alley width U § 301.1(c)(4)(c)	A minimum 15 feet alley width and within 300 linear feet of a public street.	10 feet alley width connecting to public street within 125 feet.	Same as existing	Var. Relief requested
Acc. Building Setback E § 5004	7.5 ft. from the centerline of any alley.	N/A	7.5 feet	None requested

V. OP ANALYSIS

ACCESSORY STRUCTURE: Subtitle U § 301 MATTER OF RIGHT USES (RF)

Subtitle U Chapter 3 USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES

To allow one of the proposed units to be in an accessory building (U § 301.1(c)).

(c) *A permitted principal dwelling unit within an accessory building subject to the following conditions of:*

(1) *The accessory building was in existence on January 1, 2013;*

The building was not in existence on January 1, 2013, but was approved through BZA Order 21349 at [Exhibit 2](#) of the record.

(2) *No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;*

The Board approved the creation of the new accessory building for residential purposes, through special exception relief as permitted under BZA Order 21349 ([Exhibit 2](#)).

(3) *There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and*

There is permanent access to the approved structure from an improved 10 feet-wide alley which exits to 14th Place, NE. ([See Location Map](#)).

(4) *Permanent access shall be provided **by one (1) of the following:***

(A) *An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia;*

N/A

(B) *Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or*

N/A

(C) *On an improved alley no less than fifteen feet (15 ft.) in width and*

within a distance of three hundred (300) linear feet of a public street;

The accessory building would have permanent access via a ten-foot (10 ft.) wide improved alley which is within 125 feet of 14th Place, N.E., satisfying the distance requirement of a maximum of 300 feet linear distance but not the minimum alley width requirement of 15 feet.

a. Subtitle X -1000.1 - Area Variance Relief from Subtitle U § 301.1(c)(4)(C)

i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties

The subject property is accessed solely by a 10-foot-wide permanent alley, which is narrower than the 15-foot alley width required under Subtitle U §301.1 for the creation of new accessory units. This narrow alley is a fixed, longstanding physical condition that predates both the Applicant's project and Applicant relied on a measurement of 15 feet when the Board approved the project under BZA Order 21349.

During permit review, it was determined that the alley width dimension used in the original plans approved under the Order was incorrect. This discrepancy revealed that the project, as approved, does not meet the applicable alley width requirement. The combination of:

- (1) the permanent 10-foot alley,
- (2) the regulatory requirement, and
- (3) the Board-approved design that assumed compliance creates an extraordinary condition unique to this property and not shared by other RF-1 lots.

This confluence of factors is not the result of any purposeful action by the Applicant and is therefore a circumstance beyond the Applicant's reasonable control.

ii. Exceptional Practical Difficulties

The 10-foot alley width creates an exceptional practical difficulty because the project cannot proceed as approved without variance relief. The Applicant cannot alter the alley, widen it, or otherwise bring it into compliance. As a result, the Applicant is unable to obtain building permits for the previously approved accessory residential unit.

The purpose of the 15-foot alley width requirement is to ensure adequate access and maneuvering for vehicles, including service vehicles. In this case, however:

- No on-site parking is proposed, and
- Relief from the parking requirement was already granted under the original BZA approval.

Therefore, the project does not rely on vehicular access for parking or maneuvering. Trash and service vehicles would continue to use the alley in the same manner they do today, and the project would not introduce new vehicular demands that the alley cannot accommodate.

Because the alley width requirement is triggered solely by the creation of the accessory unit—not by any operational need for vehicle access—the strict application of the 15-foot standard would prevent the Applicant from constructing the dwelling unit that the Board has already found appropriate for this site.

Without variance relief, the Applicant would be unable to:

- Implement the previously approved design,
- Make reasonable use of the accessory structure, or
- Realize the development potential which the Board has already determined to be compatible with the zone.

This constitutes an exceptional practical difficulty directly caused by the property's alley condition.

iii. No Substantial Detriment to the Public Good

The requested variance relief would not result in a substantial detriment to the public good. The requested relief does not alter the approved use of the accessory structure, does not increase the building's visible massing, and does not introduce new impacts on light, air, privacy, or access for neighboring properties. The accessory unit would not provide garage parking so that vehicular maneuvers into and out of the accessory structure would not occur in the alley due to the relief.

No changes are proposed that would generate additional traffic, noise, or other external effects beyond what was already contemplated under the original approval. As a result, the requested relief would not impair the use or enjoyment of nearby properties or otherwise adversely affect the public good.

Relief from the access requirements should not have a detrimental impact to the public good. OP notes that according to the Applicant that the building would be required to contain sprinklers and that the updated plans indicate the required sprinkling. [Exhibit 39.](#)

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

The requested variance relief would not substantially impair the intent, purpose, or integrity of the Zoning Regulations. The RF-1 zone anticipates moderate-density residential use and allows accessory structures and accessory dwelling units subject to specific development standards under special exception relief, which was approved. The current relief requested arises from a unique alley-width condition and a measurement discrepancy identified during permit review, rather than from an attempt to increase density or intensity beyond what the zone contemplates.

Allowing the Applicant to proceed with the previously approved accessory residential unit would not undermine any basic objectives related to access, safety, or neighborhood character, and it preserves the overall integrity of the zoning framework by enabling reasonable use of the property in a manner consistent with BZA Order 21349 and the underlying zoning intent.

In addition, it will be incumbent on the applicant to provide the dwelling with utility access and sprinklers in event of a fire.

VI. OTHER DISTRICT AGENCIES

There are no comments from other District agencies in the record at the writing of this report. DDOT informed OP in June 1, 2026, that their report may be filed separately.

VII. ADVISORY NEIGHBORHOOD COMMISSION

The ANC 6A at its regularly held meeting on April 6, 2026, voted unanimously to support the application. ([Exhibit 35](#)).

VIII. COMMUNITY COMMENTS

Community comments were not provided to the record at the writing of this report.

Figure 1: Location Map

