



MEMO

Re: Continued Hearing
BZA No. 21349-A
Application of Ed Fendley (Modification with Hearing)

Date: July 16, 2026
Date Due: August 2, 2026 (From Applicant)

To: Board of Zoning Adjustment
bzasubmissions@dc.gov

Address: 628 15th Street NE
SSL 1051 0113
Zone District RF-1
ANC Single Member District 6A06

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Area Variance U-301.1(c).4.(C)

BZA NO. 21349-A

The project proposes a 2-story accessory 290 square foot structure to receive a second principal dwelling. The site is 1,600 square feet, from an existing lot occupancy of 40% to 58% proposed.

The Board of Zoning Adjustment approved the exceptions for parking requirements (Subtitle C 701.5 & C 703.2) along with accessory building requirements Subtitle U 301.1(e). See attached Order 21349 for Ed Fendley dated October 15, 2025.

At that time, the property owner understood in good faith that this BZA vote of support was the final substantive step in the approval process. In reliance on that approval, the property owner undertook additional expenses to attempt to complete the project

The current variance application is pursuant U-301.1(c).4.(C), Matter of Right Uses (RF):
"Permanent access shall be provided by one of the following [...] c "on an improved alley no less than 15'-0" in within and within distance of 300'-0" linear feet of a public street"

Considering that the lot in question lies within the required linear distance of 300'-0" from two the public streets, the requested variance applies only to the existing public alley width of 10'-0".

Based on the requirements outlined by Title 11 – Zoning, Subtitle X, Chapter 10, 1002 Variance Review Standards a & b.

- a. [...] Peculiar and exceptional practical difficulties to the owner of the property and
- b. [...] exceptional and undue hardship upon the owner of the property.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21349A
Order No 53



1. Exceptional / Unique Property Conditions

The spirit of the DC Code is to allow an additional dwelling unit, either attached or unattached, on parcels similarly situated to this one. This variance relief request for the case, however, is due to the very unusual topography, drainage, and egress access characteristics of this lot, the letter of the DC code does not allow the most reasonable form of development. The letter of the DC code would force the applicant either to build an attached building that is at odds with the topography and drainage of the site, or to create a new 8'-0" easement on the front of the property that is less useful than an existing 8'-0" easement on the back of the property. The proposed development is more reasonable than either of these options. It also better responds to the spirit of the DC code in light of the unusual characteristics of the lot. The uniqueness of the parcel is associated with the age of this block in one of the oldest developed areas of the city.

Considering the site and land conditions, the site presents a drainage issue that prevents the property from being developed within the core of the lot. As shown, the proposed accessory structure is the only option to implement additional square footage and value to the property. As illustrated by the attached drainage and landscape plan, the existing French drain, 20 Aquabox modules, and subsequent native plantings. The native plantings include mature *Asimina triloba* (American pawpaw trees of a common lineage to those planted by George Washington) that taken together prevent flooding and water damage to the existing residence and neighboring properties.

In addition, the property has rare, historic egress conditions that fully meet the spirit of DC policies related to access and safety. This unusual situation occurs only where there is an RF parcel essentially directly behind an alley exit; and where the alley is greater than or equal to 8'-0" wide feet but less than 15'-0" feet wide; and where the distance to the street behind the property (in this case, 14th Place NE) via an existing protected easement is significantly shorter than the distance to the street in front of the property (in this case, 15th Street NE).

Based on GIS data, it is estimated that there are fewer than 0.5% of such parcels among DC parcels, or somewhere between 1% and 2% of all RF-1 parcels. The small number of property owners who are similarly situated and who might be motivated to invest in a second, alley-fronting dwelling unit do not form a large enough bloc to promote a code amendment to bring the letter of the DC Code into line with the spirit of the DC code for such circumstances.

In sum, therefore, considering the existing, historic 10'-0" alley width that prevents accessory structures from being added to this property, along with the site drainage condition, show that the combination of these conditions presents a unique property condition applicable to this site for the particular proposed project.

2. Practical Difficulty or Undue Hardship

The current variance requirement prevents an accessory structure to be implemented in the property limiting the potential development on the property to be executed as an addition to the existing structure. By reducing the potential development adjacent to the existing building, it forces the property



owner to remove the water management and drainage plan, or secure additional easements for egress access. Currently, as proposed this plan contributes to the site in question and neighboring properties to manage excessive water events and ensure egress access.

3. No Substantial Detriment to the Public

The proposed accessory structure as presented has the following positive contributions to the public access, safety and quality of space.

- a. By providing a 3'-0" Setback from the rear property line, the building restores the required Rear Yard Setback of 7'-6" from the centerline of the alley (Title 11, Subtitle E, Chapter 50, 5004.1)
- b. The building massing and fenestration distribution does not interfere with the light, air, privacy or enjoyment of neighboring properties (Title 11, Subtitle U, Chapter 3 320.2.i.1 & 2).
- c. The applicant has shared plans with ANC6, ANC7, all neighbors within 200'-0" along with detailed plans to adjoining neighbors. The record shows and there have been letters of support from several parties including both ANCs and zero letters of opposition.
- d. The proposed structure exterior envelope is to receive cement board siding cladding. This material is a Class A fire rating, the highest possible fire resistance classification) and fire suppression system that will contribute in the reduction of fire risk to this and neighboring properties.
- e. The rear of the proposed accessory structure will receive artificial lighting and fenestration that contribute to the alley's public safety currently subject to frequent events of insecurity and lack of sanitation.
- f. The proposed 3'-3" side setback and passageway from the property to the alley is to be used to store garbage cans and recycling, contributing to the order and cleanliness to the alley.

4. Consistency with the Zoning Plan

The current Zoning Plan has been edited by different agencies in DC, based on their opinion, the current proposed project aligns with the current and future Zoning plans in the following ways:

- The Zoning Commission on May 28, 2026 approved the Omnibus Text Amendments (Case No. 25-12) to modify and clarifies various provisions of the Zoning Regulations (Title 11) such as to remove mandated parking requirements as a path to lower housing costs and advance equity.
- The Alley Lot Regulations Amendment (Case No. 25-06) incentivizes the conversion of vacant alley lots into residential spaces. On the topic at hand of the alley width question, the amendment didn't implement changes from the historic requirement of 24'-0" to 15'-0", as is the minimum for accessory structures.



- As part of the adopted Comprehensive Plan, the Future Land Use Map (FLUM) emphasizes the need to increase housing opportunities near transit and commercial corridors. The site in question is considered a Residential-Medium Density (RMED). Even if FLUM does not offer a prescriptive parcel-by-parcel zoning requirement, the RMED designation signals that higher density, transit oriented multi-family housing is preferred for this area.

5. Attached information

- Recommendation by the Office Planning to APPROVE the requested modification based on their analysis of conditions resulting in peculiar and exceptional practical difficulties, no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zoning regulations. See file 262630 *OP Report*.
- By recommendation of Department of Transportation, the agency expressed no objection to the approval of this application. See file 260630 *DDOT Report*.
- See Letters of Support from ANC, various files.