

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown Roberts, Development Review Specialist
JL Joel Lawson, Associate Director, Development Review

DATE: October 22, 2025

SUBJECT: BZA Case 21365: Special exception relief to allow an accessory apartment at 701 Jefferson Street, NE

I. OFFICE OF PLANNING RECOMMENDATION

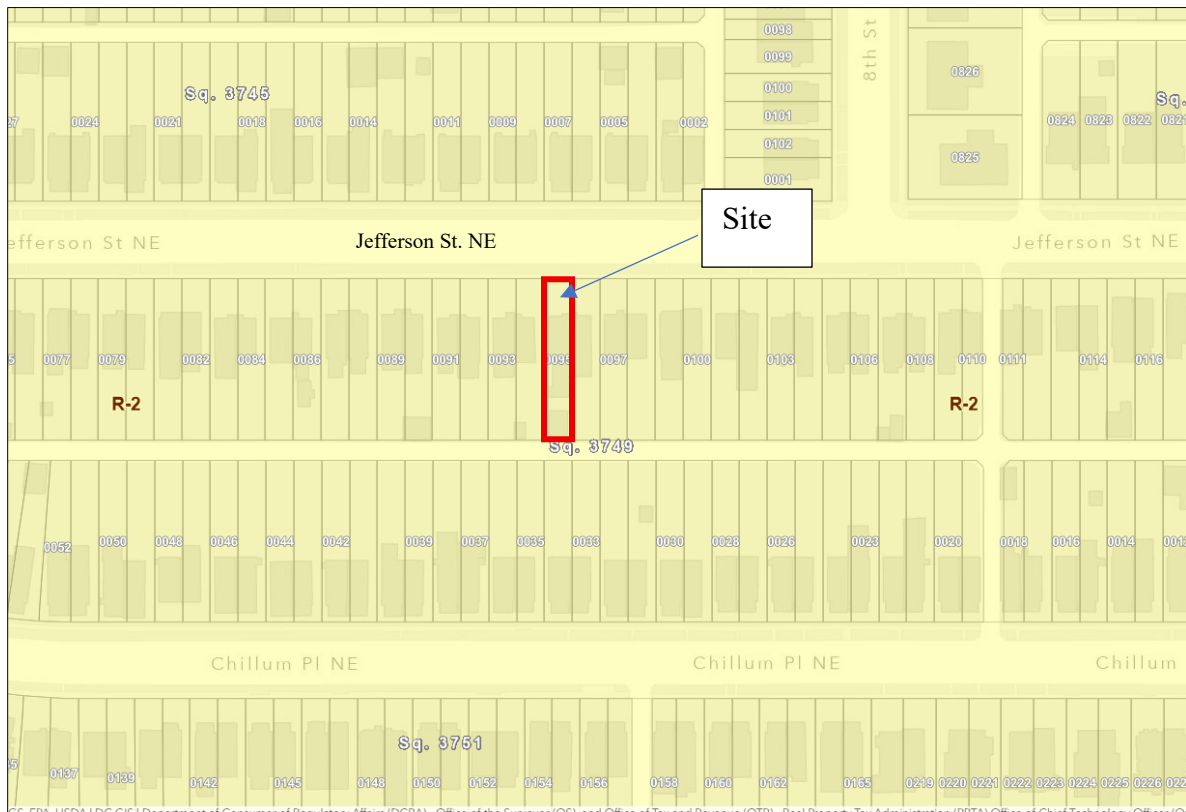
The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle U § 253.8(f) and Subtitle X § 901.2

- Subtitle U § 253.8(c), Accessory apartment access requirements.

II. LOCATION AND SITE DESCRIPTION

Address:	701 Jefferson Street, NE
Applicants:	Cheryl Jeannine Rich Trust represented by Holland & Knight
Legal Description:	Square 3749, Lot 95
Ward / ANC:	Ward 5/ANC 5A
Zone:	R-2 - intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses. Accessory buildings are permitted.
Historic Districts:	N/A
Lot Characteristics:	Rectangular interior lot with an area of 2,794 square feet (139.7 ft. x 20 ft.) and abuts a 16 ft. wide rear alley.
Existing Development:	Single family semi-detached dwelling
Adjacent Properties:	Single family, semi-detached dwellings
Surrounding Neighborhood Character:	Single family, semi-detached dwellings
Proposed Development:	Add a second story to an existing accessory structure to accommodate an accessory apartment.

Site Location



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Area, D § 202	3,000 sq. ft. min.	2,794 sq. ft.	No change	Existing Non-Conforming
Lot Width, D § 202	30 ft.	22 ft.	No change	Existing Non-Conforming
Lot Occupancy, D § 210	40 % max	38%	No Change	None Requested
Side Yard, D § 208	1 side yard/8 ft.	1side yard/6 ft.	No change	None Requested
Accessory Building Height, D § 5002	22 ft./2-stories max.	9.16 ft./1-story	19.33 ft./2-stories	None Requested
Accessory Building Max. Building Area D § 5003	Greater of 450 sq. ft. or 30% of the required rear yard.	Not Provided	300 sq. ft.	None Requested
Accessory Building Rear Yard, D § 5004	Setback at least 7.5 ft. from the alley centerline.	11 ft.	11 ft.	None Requested

¹ Provided by the applicant.

R-2 Zone	Regulation	Existing	Proposed ¹	Relief
Parking, C § 701	1 space per principal dwelling	1 space	No change	None Requested
Accessory apartment access requirements. U § 253.8(c)	N/A	N/A	Does not meet the any of the requirements	SE Requested

IV. OP ANALYSIS

Subtitle U § 253 ACCESSORY APARTMENT

253.8 *An accessory apartment in an accessory building in an R zone, except the R-1B/GT or R-3/GT zone, shall be permitted as a matter of right subject to the following conditions:*

(a) *There shall be permanent access to the accessory building apartment;*

The accessory apartment would have permanent access from Jefferson Street as well as from the alley as seen on [Exhibit 6](#), page A0.1.

(b) *The dwelling use of the accessory building shall be coterminous with the permanent access;*

The access from Jefferson Street and the alley is fully within the subject lot.

(c) *The permanent access shall be provided by one (1) of the following:*

(1) *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 or shared recorded easement between properties;*

The passageway provided from the front of the house to the accessory building has a width of five-feet and therefore does not meet this requirement.

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

The abutting alley has a width of 16 feet and therefore does not meet this requirement.

(3) *The accessory building is within three hundred feet (300 ft.) of a public street accessible through an improved public alley with a minimum width of fifteen feet (15 ft.);*

The accessory building has public street access via the 16-foot wide alley to Jefferson Street which is 770 feet away and to Chillum Place which is 854 feet away and are in excess of the 300 feet minimum.

(d) *An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio, or storage for a dwelling unit on the lot;*

The first floor of the accessory building will be occupied by a vehicular garage.

(e) *An accessory building that houses an apartment shall not have a roof deck; and*

No roof deck is proposed.

- (f) An accessory apartment proposed within an accessory building that does not meet the conditions of this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject the following conditions:*
 - (1) The accessory building shall be located such that it is not likely to become objectionable to neighboring properties because of noise, traffic, parking, or other objectionable conditions; and*
 - (2) Evidence that there are adequate public utilities for the health and safety of the residents.*

The proposed apartment is small and so would accommodate one or, at most, two persons which should not generate noise greater than what would be expected by normal residential use. The addition would not have windows on the side and therefore the privacy of adjacent properties should not be compromised. The height of the accessory structure should also not block any light and air to the adjacent properties. The one required parking space for the property is provided on the first floor of the accessory structure and unrestricted, off-site parking is allowed along Jefferson Street. Therefore, the accessory unit should not cause any objectionable impact on the surrounding streets and alley.

The subject property currently has access to electricity, water and sewage systems which would be extended to the accessory structure. Fire service to the unit should be accessible from the front of the property or the alley. The addition of the residential unit to these systems should not adversely affect these services to the area. Trash pickup will continue to be from the alley and should not be affected by the new apartment. Finally, DC Water has confirmed with the Applicant, through the permitting process, that water is available for the proposed accessory apartment.

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 proposed accessory apartment addresses the conditions of accessory units permitted via special exception in the R-2 zone. The special exception review process in this zone is intended to allow for an assessment of whether the proposed accessory apartment adequately addresses the standards set in the criteria above. Therefore, the requested relief would be in harmony with the purpose and intent of the Zoning Regulations and Maps.

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

The proposal is limited to a new second story accessory apartment. The plans show no new windows or doors facing the adjacent properties to affect their privacy and the height of the structure should not adversely affect their light and air. Therefore, the relief should not adversely affect the use of neighboring properties.

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

As demonstrated above, the applicant has requested relief from the access conditions of Subtitle U § 253, and has adequately met the relevant test. The Applicant has also demonstrated that the proposal should not unduly affect the use of adjacent or neighboring properties.

V. OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) has asked OP to convey that they have reviewed the application and that DDOT has no objection to the approval of the application.

VI. ADVISORY NEIGHBORHOOD COMMISSION

The property is within ANC-5E. The ANC, to date, has not submitted a recommendation to the file.

VII. COMMUNITY COMMENTS

There are no community member comments in the record as of the date of this report.