

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Joshua Mitchum, Development Review Specialist
MBR Maxine Brown-Roberts, Associate Director, Development Review

DATE: August 24, 2026

SUBJECT: BZA Case 21374A: Request for a Modification Without Hearing for the approved rear yard relief from Subtitle D § 207.1 in BZA Order No. 21374.

The Office of Planning (OP) requests that the Board of Zoning Adjustment accept the late filing of OP's staff report.

I. OFFICE OF PLANNING RECOMMENDATION

OP recommends **approval** of the requested Modification Without Hearing of the approved BZA Order, pursuant to Subtitle Y § 703.7.

II. BACKGROUND

Through BZA Order No. 21374, the Applicant was granted special exception relief to construct a one-story covered deck addition in the rear yard of the subject property. As approved, the Applicant has constructed the addition, which reduced the required rear yard from the 20 foot minimum to approximately 15 feet and 2 inches.

During a wall check inspection from the Department of Buildings (DOB), DOB indicated that the subject property's boundary lines were approximately 1.74 feet closer to the east than what was shown on the survey submitted in the Applicant's original application. As a result, DOB has determined that the as-built rear yard depth is approximately 13 feet and 5 ½ inches instead of the 15 feet and 2 inches depth that was approved in Order No. 21374. The Applicant's statement, submitted as Exhibit 14, states that the discrepancy arose due to the differing survey sources that were used to establish the location of the approved addition.

The site has received the following BZA approvals:

Order	Date	Action
21374	November 4, 2025	Approval of a special exception (Rear Yard) to construct a one-story covered deck addition in the rear of the property.

III. APPLICATION-IN-BRIEF

The Applicant requests to modify the approved special exception relief granted in BZA Order No. 21374 to reflect the rear yard depth as determined by DOB's wall check inspection. The Applicant states that no other modifications or deviations were made during the construction of the addition.

IV. LOCATION AND SITE DESCRIPTION

Address:	4401 Garrison Street NW
Applicant:	Laura Williams & Kevin Donohue, represented by Sullivan & Burros
Legal Description:	Square 1581; Lot 0080
Ward / ANC:	Ward 3 / ANC 3E
Zone:	R-2, Low-Density Residential
Historic Districts:	N/A
Lot Characteristics:	The 3,776.5 square foot corner lot is rectangular in shape and has 83 feet of frontage along Garrison Street NW, 45 feet of frontage along 44 th Street NW, and 45.5 feet of frontage along a 16-foot public alley in the rear yard.
Existing Development:	The lot is currently improved with a two-story with basement residential dwelling and patio.
Adjacent Properties:	The subject property is bounded to the north, south, east, and west by single-family residential dwellings in the R-2 Zone.
Surrounding Neighborhood Character:	The surrounding neighborhood is characterized by low-density, detached residential dwellings.
Proposed Development:	Modification of the prior approved rear yard depth relief from 15 feet and 2 inches to 13 feet and 5 ½ inches.

V. OFFICE OF PLANNING ANALYSIS

Subtitle Y § 703 CONSENT CALENDER – TECHNICAL CORRECTIONS TO FINAL ORDERS AND MODIFICATIONS WITHOUT HEARINGS TO ORDERS AND PLANS

Subtitle Y § 703.7 - Modification Without Hearing

The Applicant seeks a modification to adjust specific dimensional measurements based on the Department of Building's wall check inspection. The change is minor, technical, and non-substantive, and does not alter the approved use, or massing of the project. Because the modification concerns only dimensional refinements, it also qualifies as a change to an approved condition eligible for consideration under Subtitle Y § 703.7.

703.7 *For the purposes of this section, “a modification without hearing” is a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. Determination that a modification can be approved without witness testimony is within the Board’s discretion.*

Subtitle Y § 703.7 allows a modification without hearing when the impacts can be understood without witness testimony.

The Applicant’s submission clearly demonstrates that the dimensional changes are minor adjustments that do not affect the project’s approved function or performance. The modification does not require additional studies, modeling, or expert analysis.

The revised dimensions do not increase building height, density, or intensity beyond what the Board previously approved. The modification does not affect light and air access, privacy, or shadow impacts on adjacent properties which were discussed under Subtitle D § 5201 (BZA 23714) . The dimensional changes do not alter the project’s relationship to surrounding development, nor do they introduce any new conditions requiring expert testimony. No new adverse impacts are introduced, and no previously identified impacts are worsened.

There is consistency with the intent of the original order as the Board’s original decision would remain fully intact. The DOB’s refinements simply ensure that the final construction documents accurately reflect the approved design. The modification preserves the Board’s findings regarding neighborhood compatibility, design, and compliance with the Zoning Regulations.

The request meets the criteria for a Modification Without Hearing because:

- It involves a correction to a dimension of an approved design;
- The impacts are fully understandable without witness testimony;
- The modification does not alter the Board’s original decision or introduce new adverse effects.

OP therefore supports approval of the modification as defined under Subtitle Y § 703.7.

VI. OTHER DISTRICT AGENCIES

As of the filing of this report, comments from other District agencies have not been received or submitted to the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the filing of this report, comments from ANC 3E have not been submitted to the record.

VIII. COMMUNITY COMMENTS

As of the filing of this report, comments from the community have not been submitted to the record.

Location Map

