

ANC 4C – Opposition to BZA Case No. 21396 (Revised to Reflect Updated Plan)

Property: 932 Shepherd Street, NW, Washington, DC 20011 (located RF-1 Zone and abuts 930 and 934 Shepherd Street)

Applicant: 1124 Morse, LLC (Developer – Ritesh Matta) (Alexandra Wilson – Counsel)

Requested Relief: The Developer seeks special exemptions under Subtitle E § 207.5 (10-Foot Rule) and Subtitle U § 320.2 (3-Unit Conversion)

Summary of Updated Project

The Applicant is the owner of the real property located at 932 Shepherd Street, NW, Washington, DC 20011 (the “Property”). The Property is a two-story, three-bedroom, one bath rowhome consisting of approximately 1,140 square feet. The Property contains one unit. The Applicant is seeking to: (1) construct a third-story addition with a roof deck, (2) construct a three-story rear addition extending approximately 19.5 feet beyond the adjoining eastern property, (3) convert the existing single-family rowhome into three dwelling units, and (4) remove an existing rear garage and construct new rear decks, stairs and a parking pad. This matter comes before the ANC because the Applicant needs a special exemption for relief from multiple mandatory zoning requirements, including relief from the 10-Foot Rule under Subtitle E § 207.5 to permit a rear addition that extends more than 10 feet beyond the rear wall of the adjoining principal dwelling, and approval for a three-unit conversion under subtitle U § 320.2, both of which require a showing that the proposed project will not result in substantially adverse impacts to neighboring properties or the surrounding community

On May 22, 2026, the Office of Planning issued a Memorandum recommending that the Applicant do the following:

- (1) Use high-quality building material and, where feasible, incorporate architectural details on all new facades to add character, texture, color and enhance the overall proposed additions, specifically on facades that are visible from the alley or street;
- (2) Reduce the depth of the proposed rear decks on the first and second floors to a depth of no more than feet in an effort to shorten the total length of the side walls. Alternatively, the Applicant should not use opaque materials on the side of the first and second floor decks to allow light and airflow.
- (3) Reduce the pitch of the third-floor roof to reduce the height of the addition to a minimum height to reduce shadowing on the neighboring properties, further reduce visibility of it when viewed from the street and still allow rainwater to drain and collect away from neighboring properties;
- (4) Not enclose the side of the rear decks on the first and second floors with opaque materials.

On May 26 2026, the Applicant submitted revised plans purporting to address comments from the Office of Planning. The revisions include: (i) reducing the pitch of the proposed third-floor roof, (ii) reducing the side walls associated with the rear decks to five-foot privacy walls, (iii) submitting additional renderings, and (iv) providing an updated solar analysis. Notwithstanding these revisions, the fundamental massing, depth, heights, and density of the proposed project remain substantially unchanged.

Applicable Legal Standards

D.C. Zoning Regulations govern how land and buildings may be used, altered and modified within the community. Under Subtitle E § 207.5, a rear addition may not extend more than 10 feet beyond the rear wall of any adjoining principal residential building on an adjacent property. This is otherwise known as the “10-foot rule.” In order for an applicant to construct a rear addition that exceeds this limit, the applicant must obtain a special exemption.

Special exemptions are governed by Subtitle X, Chapter 9, which places the full burden of proof on the applicant to demonstrate that the proposed development will not have a substantially adverse effect on neighboring properties. Subtitle E and Subtitle U impose additional, zone-specific and use-specific requirements. In particular, a proposed addition or conversion cannot (1) unduly compromise the privacy of use and enjoyment of the neighboring properties, (2) unduly affect the light and air available to neighboring properties, or (3) visually intrude upon the character, scale and pattern of houses along the subject street or alley.

It is undisputed that the Applicant's proposed rear addition does not comply with the 10-foot rule. The Applicant acknowledges that the rear addition will extend 19.5 feet beyond the rear wall of the east adjoining dwelling. Accordingly, the Applicant must obtain special exemption relief.

In addition, Subtitle U § 320.2 provides that, a residential building constructed prior to May 12, 1958 may be converted to an apartment house that increases the number of dwelling units only by special exemption in RF-1 zones. Given that the Applicant proposes to convert the Property (located in an RF-1 zone) from one dwelling to three dwelling units, this aspect of the project also requires special exemption approval.

Therefore, in order to obtain special exemption relief for both the rear addition and the unit conversion, the Applicant must affirmatively establish that its proposal will NOT: (1) have a substantially adverse effect on the use and enjoyment of any abutting or adjacent property, (2) unduly affect light or air on neighboring properties, (3) unduly compromise the privacy and use and enjoyment of neighboring properties, and (4) visually intrude on the character scale or pattern of houses along the street or alley.

The Applicant cannot meet this burden. Moreover, although not required, the neighboring property owners and the surrounding community members hereby provide their position that they have been and likely will be adversely affected by the Applicant's proposed additions and conversions.

Arguments

Although the Applicant has submitted revised plans addressing certain comments from the Office of Planning, including modifications to the proposed roof pitch, deck privacy walls and other supplemental renderings, the revised proposal still fails to satisfy the mandatory criteria for special-exemption relief and continues to result in substantially adverse impacts on neighboring properties in the surrounding community.

The Applicant's proposed rear addition constitutes an extreme violation of the 10-foot rule that is certain to produce substantially adverse impacts.

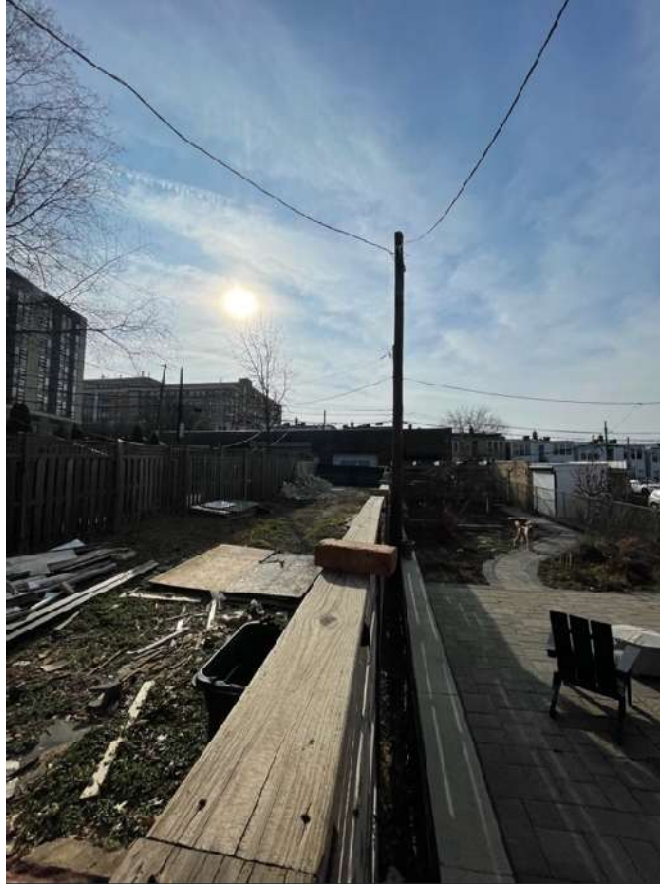
Importantly, the Applicants revised submission does not reduce the depth of the proposed rear addition. The proposal continues to extend approximately 19.5 feet beyond the rear of the wall of the adjoining dwelling. This not a marginal encroachment or a minor technical deviation from the Zoning Regulations. It is a substantial overbuilding of the rear yard, creating a new zoning nonconformity where none currently exists. The addition will extend nearly double the maximum extension that the Zoning Regulations permit as of right. The Applicant does not seek modest relief from the 10-foot rule. Instead, it seeks to effectively nullify it by proposing a rear addition that dramatically exceeds the permitted depth. Moreover, this level of noncompliance certainly produces substantially adverse impacts on neighboring properties. Specifically, the rear addition will create a visual intrusion in the character and pattern of the houses from the view of the alley. At the same time, the proposed addition will unavoidably obstruct light and air to adjacent properties, intensifying shadowing and enclosure effects in areas that are presently open and functional. These impacts are not speculative or incidental. They are the direct and readily foreseeable consequences of a rear addition that so dramatically exceeds the limits as prescribed by the Zoning Regulations.

Thus, the principal basis for the requested special exception remains unchanged. The revisions do not alter the massing that creates the adverse impacts identified by neighboring property owners. While certain aesthetic features have been modified, the structure continues to exceed the 10-Foot Rule by nearly double the amount permitted as of right.

Impacts on Light and Air in Neighboring Properties

These adverse impacts are most immediately felt in the rear yards of neighboring properties, where access to light and open space is essential for daily use and enjoyment. The combined height, depth and mass of the proposed structure would materially impair the use, privacy and quiet enjoyment of the adjacent property owners. The Applicant's proposed rear addition would introduce a structure that is unprecedented in scale, depth and mass compared to any existing structure in neighboring backyards.

- The first way this structure presents a significant impact on the neighboring properties is that the structure significantly blocks necessary light sources. The owners of 934 Shepherd Street have invested significant time, effort and financial resources in landscaping and plantings specifically designed to increase usability, functionality and enjoyment of their rear. These plantings rely heavily on consistent access to direct sunlight from the existing conditions. The Applicant's proposed third-story addition would materially and permanently increase shading onto their neighboring property, disrupting established growing conditions, impairing or destroying sunlight-dependent plants and overall diminish the neighbors' ability to use and enjoy their backyard. This loss is not temporary or speculative. It is a foreseeable and lasting consequence of the proposed rear addition and represents a clear adverse impact on the use and enjoyment of the adjacent property.
- The photograph below shows existing conditions and the direct sunlight currently received by the neighboring property (934 Shepherd Street), without the obstruction from the proposed rear addition.



The current real property line of 932 Shepherd Street (eft) and 934 Shepherd Street (right).

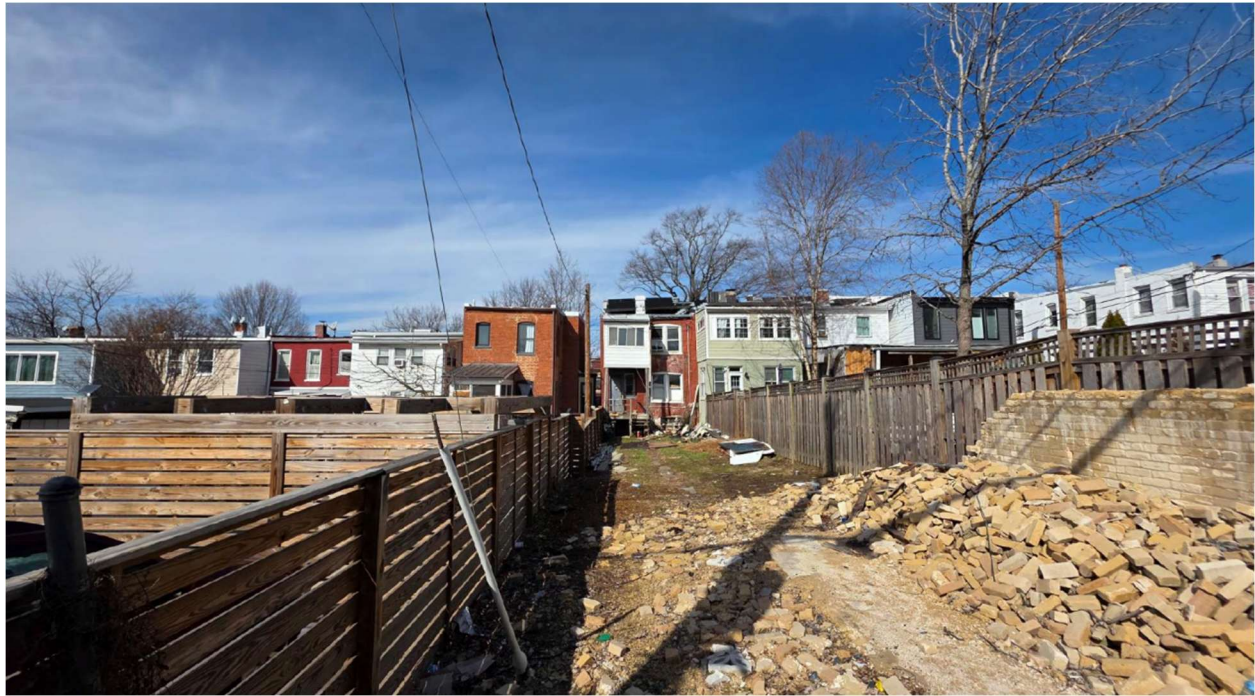
Planting and Landscaping

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Visual Effects Incompatible with Existing Character Along the Alley

The Applicant's revised plans reduce the height of certain deck privacy elements. The revisions, however, do not materially reduce the overall size, dept, or visual prominence of the proposed rear addition when viewed from the public alley. Beyond impacts to individual properties, the excessive depth and mass of the rear addition would fundamentally alter the character and function of the shared public alley. The adverse visual impacts of the Applicant's proposal are also visually present in the public alley, where the proposed rear structure will present as a continuous wall of height and depth, replacing what is currently a staggered and low-scaled rear condition. This will

result in the alley feeling significantly more enclosed and visually compressed, losing the sense of openness that it currently presents.



Current rear alley of the 900 block of Shepherd Street (as provided by the Applicant).

Although the Applicant has reduced the pitch of the proposed roof and modified the portions of the deck design, the overall building mass responsible for the shadow impacts remains substantially unchanged. The revised plans continue to introduce a significant increase in building depth and height that will materially increase shading onto neighboring properties. The reduction of deck side walls does not eliminate the impacts caused by the underlying structure itself.

The Applicant's proposed third-story addition will impair existing solar panels on an adjacent property.

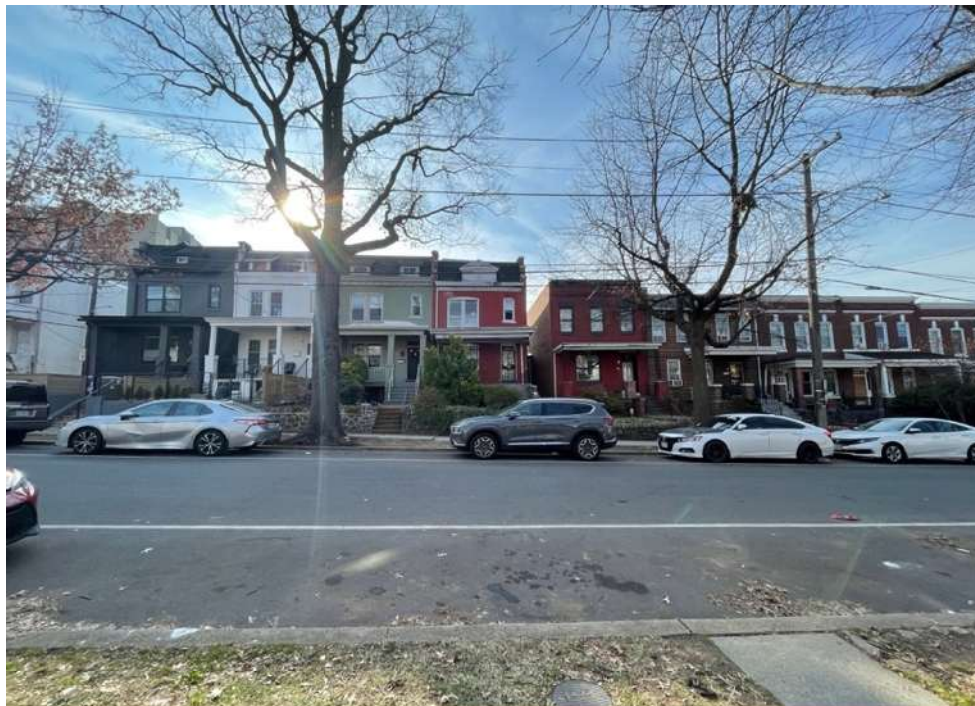
The Applicant's proposed third-story and rear additions will materially and permanently impair the operation of the existing solar panels located on the adjacent property at 930 Shepherd Street. While the Applicant has now submitted an updated solar analysis, neighboring property owners continue to dispute whether the analysis accurately reflects real-world conditions and existing structures in the immediate vicinity. The proposed height, depth and mass of the third-story and rear additions will substantially increase shading over the solar array, particularly during peak hours of sunlight, resulting in a measurable reduction in solar exposure and energy capacity. At minimum, the uncertainty regarding these impacts weighs against a finding that the Applicant has affirmatively demonstrated the absence of adverse effects,

The Applicant's third-story addition and unit conversion presents visual intrusions on the character scale or pattern of houses along the street.

Even after the Applicant's revisions, the proposal continues to introduce a third-story addition and three-unit conversion that are inconsistent with the prevailing scale and development pattern of the surrounding block. The revised roof pitch modestly reduces the visibility of the addition but does not alter the fact that the project remains substantially larger and more intensive than the surrounding homes.

Visual Effects Incompatible with Existing Character Along the Street

- The existing block exhibits a recognizable rhythm: two-story homes, limited rear projections and proportional massing between the adjoining homes. The construction of a third-story addition will greatly impact the visual pattern of the houses along the street.



900 block of Shepherd Street.



Up close view of the 900 block of Shepherd Street,
beginning with 926 Shepherd Street (grey rowhome).



Left to Right: 928 Shepherd Street to the Property (light red rowhome).



Left to Right: 926 Shepherd Street to 934 Shepherd Street (dark red rowhome).

The Applicant's proposal unduly compromises the privacy and use and enjoyment of neighboring properties.

Beyond the significant loss of use and enjoyment resulting from impacts to existing solar panels, landscaping and plantings, the Applicant's proposal presents serious concerns affecting the privacy, safety and quiet enjoyment of the neighboring properties. Notably, the Applicant's preliminary actions undertaken in connection with this project have already resulted in substantial disruptions and adverse conditions for adjacent property owners, demonstrating a pattern of conduct that foreshadows the adverse impacts likely to accompany full-scale construction if the requested relief is granted.

Permit Irregularities and Unauthorized Demolition

- These concerns are particularly troubling given the scope of demolition and construction proposed in close proximity to occupied neighboring homes. The Applicant obtained a permit to conduct an "interior demolition" of the Property. Despite this limitation, the Applicant demolished the detached rear garage. This unauthorized demolition raises serious concerns regarding zoning compliance and respect for regulatory processes.
- Photographs of the posted permit show that the permit issued for the Property authorized interior demolition only.

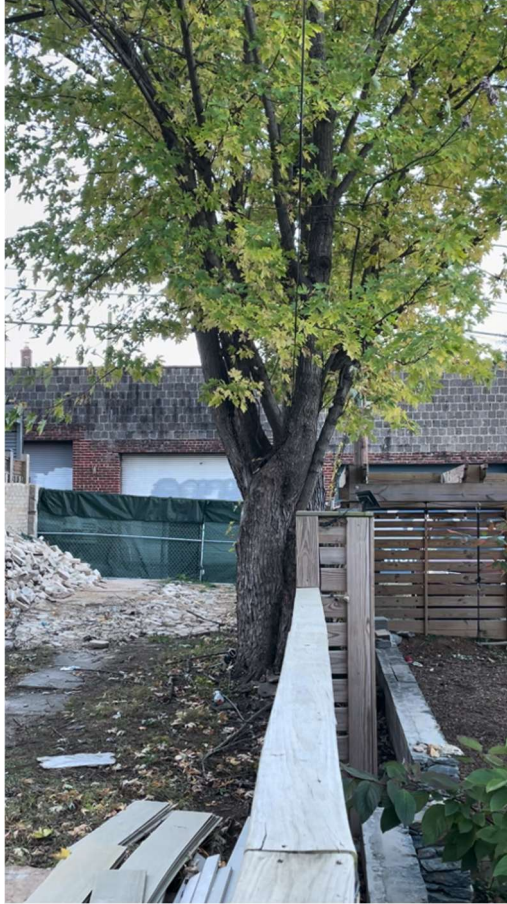
B	GOVERNMENT OF THE DISTRICT OF COLUMBIA	Department of Buildings Permit Operations Division 1100 4th Street SW Washington DC 20024 Tel. (202) 671 - 3500	Expiration Date:
	BUILDING POST CARD PERMIT		PERMIT NO
Address of Work: 932 SHEPHERD ST NW, WASHINGTON, DC 20011			
Owners/Agent Name: Jones, Ewanna M. Seema N Matta			
Type of Work: Alteration			FEE:
Description of Work: Interior demolition of non-bearing elements in a spccee up to 5,000 Sqft.			
Contractor's Name:		Contractor's Address:	
Contractor Lic No.		Applicant's Signature: Jones, Ewanna M. Seema N Matta	
Applicant's Phone:			
IMPORTANT RESTRICTIONS: THIS POSTCARD PERMIT IS VALID ONLY FOR CONSTRUCTION WORK OF THE TYPES SPECIFIED IN THE 105 CONDITIONS OF THE PERMIT ON THE PERMIT COVER SHEET This permit expires if no approved inspections have occurred within one year after the issuance date on this permit or 180 days for structures but Code. A permit extension must be requested before the expiration of this permit. As a condition to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized the approved application and plans on file with the District government, and in accordance with all applicable laws and regulations of the District Columbia has the right to enter upon the property to inspect all work authorized by this permit, and to require any change in construction which is compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this permit must start within appearing on this permit or the permit is automatically void. If this permit has expired and no work or partial work was completed, a request for a review and consideration.			
Brian J. Hanlon, AIA LEED AP® <i>Brian J. Hanlon</i> Director			

Permit reads “interior demolition.”

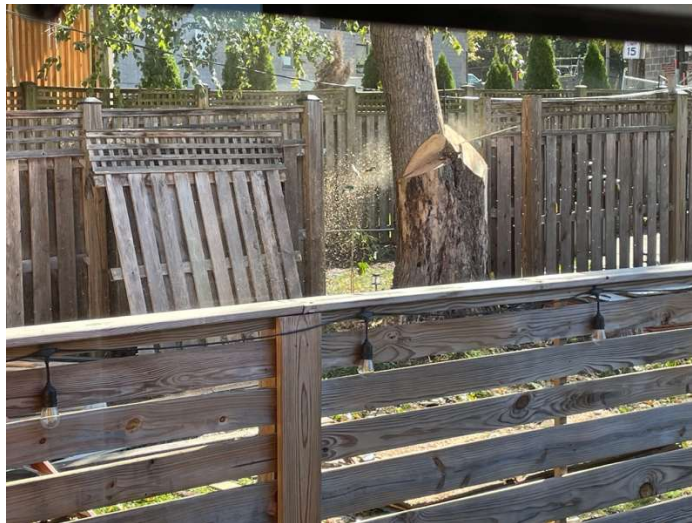
- The permit also lists an individual owner (Ewanna M. Jones), who passed away in May 2023, more than a year before the permit was issued. The continued reliance on outdated ownership information raises questions regarding the accuracy of the permit application, the authority under which the work was undertaken, and whether the Applicant exercised appropriate diligence and candor in its dealings with regulatory agencies. These discrepancies further call into question the Applicant’s overall compliance posture.

Trespass and Unauthorized Tree Removal

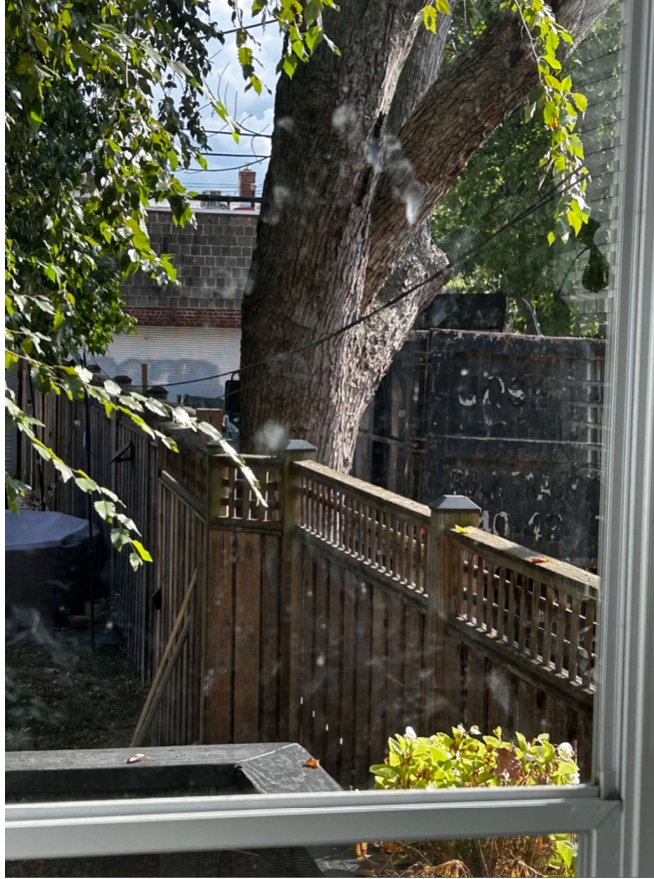
- The Applicant has already removed trees without obtaining the authorization of the property owners upon which the trees partially stood. Neither of the neighboring property owners consented to the removal of the trees, which were partially located on their properties. Fences on the neighboring properties were previously constructed to account for the presence of such trees on their properties. The neighboring fences adjacent to the Property were intentionally constructed and aligned to accommodate the existing trees and allow their branches to extend naturally into adjoining yards, reflecting long-standing reliance interests and mutual property accommodations that were disregarded by the Applicant’s unilateral tree removal.



Property line between the Property and 934 Shepherd Street.



Property line between the Property and 930 Shepherd Street.



Property line between the Property and 930 Shepherd Street.

- During the tree removal, the Applicant's workers parked their vehicles vertical to the parking pad of 934 Shepherd, blocking the property owner's vehicle and preventing the owner from freely exiting the parking pad.



- Moreover, the worker's vehicle blocked the alley as a whole.



- This behavior once again shows a blatant disregard for the neighborhood. Allowing the Applicant to engage in a full-scale construction effort will bring untold nuisance and harassment to the neighborhood, and in particular, the neighbors.

Safety and Reliability Concerns

- The community is concerned with the Applicant's history of construction activity associated with serious safety defects.
- In December of 2023, the Applicant was engaged in a construction project at 1111 V Street, NW, and 1113 V Street NW, Washington DC. On December 23, 2023, a partial collapse of a wall in a similar two-story rowhome during the demolition of the property owned by developer Ritesh Matta, resulted in the death of a construction worker. Public reporting on this incident identified deficiencies in site safety and demolition practices.
- This history is relevant to the Commissioner's consideration of whether granting discretionary relief is appropriate, particularly where the proposed project involves substantial structural modifications, demolition activity, and construction in close proximity to occupied neighboring homes and a shared public alley.
- Moreover, the neighboring property, 934 Shepherd Street, contains a window located in close proximity to the Property. As a result, the proposed exterior construction and renovations pose a foreseeable risk of physical damage to the window during demolition and construction activities, raising legitimate concerns regarding property damage and safety.



Property line between 934 Shepherd Street (left) and the Property (right).

Conclusion

The community acknowledges the Applicant's efforts to revise certain aspects of the proposal. Nevertheless, the revisions do not address the principal concerns underlying this opposition. The project continues to seek substantial relief from the 10-Foot rule, continues to introduce significant additional mass and density and continues to create adverse impacts relating to light, air, privacy, solar access and neighborhood character. Accordingly, the BZA should deny the request special-exemption relief.