

MEMORANDUM

TO: Board of Zoning Adjustment for the District of Columbia

FROM: Philip Y. A. Isaiah, Development Review Specialist
MBR
 Maxine Brown-Roberts, Associate Director, Development Review

DATE: July 10, 2026

SUBJECT: BZA Case 21404: Request for special exception relief to allow rear and third story additions to a legally non-conforming rowhouse without a required side yard.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception request pursuant to Subtitle D § 5201 and Subtitle X § 901:

- Subtitle D § 208.7, Nonconforming Side Yards (5 ft. required, 0.0 ft. existing; 0.0 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	5034 Nebraska Avenue, NW
Applicant:	512 Taylor, LLC, represented by Sullivan & Barros
Legal Description:	Square 1879, Lot 30
Ward / ANC:	Ward 3 / ANC 3F
Zone:	R-2
Historic Districts:	N/A
Lot Characteristics:	The 2,932 sq. ft. interior lot has a legally non-conforming lot area of 2,932 sq. ft. and a width of 19 feet where the requirements are 4,000 sq. ft. and 40 feet, respectively. The dimensions of this lot have remained unchanged since the original survey of the block's lots in 1939. While narrow, the lot is long in length at 154.3 feet with a 66.1 foot front yard.
Existing Development:	The subject property is developed with a legally nonconforming rowhouse built in 1939, pre-dating both the current 2016 Zoning Regulations and the preceding 1958 Zoning Regulations.
Adjacent Properties:	The subject property is adjacent to two slightly larger lots containing single family, semi-detached dwellings that are connected to the subject house. These two lots and the subject property form a triplex, where the subject house is the middle unit.

Surrounding Neighborhood Character:	The block contains 5 separate triplex buildings of similar character and form, with one row dwelling connected by two single family semi-detached dwellings. In 2023, the BZA approved an application on a similar middle triplex unit on the subject block in case 20839 . It should be noted that the subject application only requests side yard relief, whereas the nearby application permitted relief from the side yard, rear addition (10 foot rule), and lot occupancy requirements.
Proposed Development:	The applicant requests special exception review to not provide the required 5-foot side yard on one side of the house, in order to construct a rear addition as well as a third story, which is set back from the front of the building with an open deck. The proposal will take the same 0.0 foot side setbacks of the existing row dwelling. Other than the side yard requirement, the proposal meets all other bulk, height, yard and lot occupancy standards for the R-2 zone.

III. ZONING REQUIREMENTS and RELIEF REQUESTED¹

R-2 Zone	Regulation	Existing	Proposed*	Relief*
Lot Width D § 202	40 ft. min.	19 ft.	No change	None requested
Lot Area D § 202	4,000 sq. ft. min.	2,932 sq. ft.	No change	None requested
Height D § 203	40 ft. max.	24.0 ft.	39.0 ft.	None requested
Front Setback D § 206	In-line with neighboring properties	66.1 ft.	66.1 ft.	None requested
Rear Yard D § 207.1	20 ft. min.	47.0 ft.	27.7 ft.	None requested
Rear Extension D § 207.4	10 ft. max.	N/A	10 ft.	None requested
Side Yard D § 208	8 ft. min. (5 ft. if non-conforming)	0.0 ft.	0.0 ft.	Relief Requested
Lot Occupancy D § 210	40% max.	26%.	39%	None requested
Pervious Surface D § 211	30% min.	74%	60%	None requested

* As provided by the applicant

R-2 Zone	Regulation	Existing	Proposed*	Relief*
Vehicular Parking C § 701	1 min.	1 space	2 spaces	None requested

IV. OP ANALYSIS

Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) **Yards**, including alley centerline setback; and*
- (c) Pervious surface.*

The applicant requests to reduce the side yard for an addition to an existing non-conforming rowhouse. Standard (b) is applicable.

5201.2 & 5201.3 not relevant to this application

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

Save the side yard requirement, the subject application meets all bulk standards for the R-2 zone, including height, lot occupancy, rear extension limitations, rear yard, and front yard. This means that it is technically possible to build the subject addition as a matter of right in so far as the addition takes a 5 foot setback on one side. The applicant has provided a shadow study on sheets 9 and 10 of the plans and elevations ([Exhibit 28A](#)) comparing the light impact between this matter of right scenario with this application's proposal. While additional shadow would be cast over both adjacent properties, the additional shadow cast between the matter of right and proposed scenarios appears limited in nature, and should not be considered substantially adverse or undue in comparison with that which the applicant can build as a matter of right.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The applicant does not propose any fenestration along the sides of the proposed addition. The open decks will be located at the rear of and on top of the dwelling. The placement of these features is logical as to not create undue privacy concerns to any neighboring property.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

While the proposed rear addition will be visible from the public alley, it will not extend more than 10 feet beyond the rear walls of the adjacent dwellings and will be partially shrouded by the proposed roll-up door along the rear lot line and the rear garage of the southwestern neighboring property. The decks and balconies are typical in nature and consistent with the character of residential dwellings. The third-story addition will occupy the full footprint of the existing dwelling; however, the front portion of the third floor will feature an open deck. This design results in the enclosed portion of the third story being set back, preserving the visual impression of a two-story façade from the street. Additionally, the dwelling is set back over 60 feet from the front lot line and is screened by dense vegetation in the long front yard, which will continue to conceal the third story from public view. Also, the triplex structure to the northeast is approximately 30 feet closer to the street, further hiding the subject property from view. Thus, the subject proposal should not be visually intrusive from the rights-of-way.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided plans and elevations in Exhibit 28A of the record and photographs in Exhibit 5.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP does not propose any special treatment.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.

The property will continue to be used as a single-family residential dwelling, which is permitted use in the R-2 Zone. Accessory apartments are also permitted as a matter of right subject to the provisions of Subtitle U § 253 of the Zoning Regulations.

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 applicant proposes to expand an existing non-conforming structure on an undersized lot

that has been in this location for about 85 years, for which modernizations and alterations are within the purpose and intent of the Zoning Regulations as contained in Subtitle C § 202. The enlargement will not create more density than otherwise permitted in the zone, nor establish any otherwise nonpermitted use. This standard is met.

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

The applicant does not propose fenestration on the sides of the proposed additions. The bulk of the third story will be set back from the front of the dwelling, and the proposed roof deck and rear decks are typical and customary for a row dwelling. Other than the side yard relief need by the non-conforming nature of the rowhouse, the proposal meets all other applicable development standards for its zone. This standard is met.

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

The subject application has adequately addressed the criteria for special exception review.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) report is contained as Exhibit 30 of the record, stating no objection to the subject application.

VI. ADVISORY NEIGHBORHOOD COMMISSION

In a letter contained as Exhibit 29 of the record dated June 2, 2026, the Chairperson of ANC 3F filed a motion requesting the BZA postpone the application until the ANC can discuss the proposal at its June 30, 2026 meeting. However, no report from ANC 3F is contained in the record at this report's publication.

VII. COMMUNITY COMMENTS

On January 28, 2026, The BZA granted the owners of the two adjacent properties, Lots 29 and 31, party status in opposition to the application, as contained in Exhibit 22 of the record. A letter of attachment from Lot 31's counsel is contained as Exhibit 19A of the record. A letter of attachment from Lot 29 is contained as 20A of the record.

Letters of opposition are contained in the record as Exhibits 35, 37, 38, 39, and 40.

Location Map:

