

## MEMORANDUM

**TO:** Board of Zoning Adjustment for the District of Columbia  
Karen Thomas, Development Review Specialist  
*MBR* Maxine Brown-Roberts, Associate Director, Development Review

**DATE:** July 2, 2026

**SUBJECT:** BZA Case 21443 - request for special exception relief pursuant to permit a rear addition and a one-story accessory structure to an existing flat.

### **I. RECOMMENDATION**

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

- The rear wall extension requirements of Subtitle E § 207.5  
(10 feet max. beyond rear wall permitted, 0 feet existing; 20 feet proposed)

### **II. LOCATION AND SITE DESCRIPTION**

|                                     |                                                                                                                                                                                                                                                                                           |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address:                            | 735 Irving Street, NW                                                                                                                                                                                                                                                                     |
| Applicant:                          | Cecilia Penizia represented by Olutoye Bello                                                                                                                                                                                                                                              |
| Legal Description:                  | Square 2891, Lot 82                                                                                                                                                                                                                                                                       |
| Ward / ANC:                         | Ward 1/ANC 1E                                                                                                                                                                                                                                                                             |
| Zone:                               | RF-1                                                                                                                                                                                                                                                                                      |
| Historic Districts                  | None Applicable                                                                                                                                                                                                                                                                           |
| Lot Characteristics:                | The rectangular shaped, interior lot is 18-feet wide and long at 135 feet in length. It abuts a twenty-feet wide rear alley.                                                                                                                                                              |
| Existing Development:               | The subject property is developed with a two-story, brick-sided, single-family row dwelling.                                                                                                                                                                                              |
| Adjacent Properties:                | Single-family row dwellings of similar character are located immediately to the east and west of the subject property, except that the property to the west seems to be a recent renovation including a third story addition and a rear addition beyond the subject property's rear wall. |
| Surrounding Neighborhood Character: | The neighborhood character is typical of the RF-1 zone with several styles of row dwellings developed in the late to early 1900's. The subject property is located half a block west of Georgia Avenue, NW.                                                                               |

|                       |                                                                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed Development: | The Applicant proposes a third story and a three-story rear addition which would extend 20 feet beyond the adjacent home to the east. It would not extend beyond the rear wall of the home to the west, which also has a three-story addition. |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

| RF-1 Zone                                                                    | Regulation                     | Existing      | Proposed       | Relief:                 |
|------------------------------------------------------------------------------|--------------------------------|---------------|----------------|-------------------------|
| Height E § 203.2                                                             | 35 ft. max.                    | 24 ft.        | 34 ft.         | Not Requested           |
| Lot Width E § 202.1                                                          | 18 ft. min.                    | 18 ft.        | No Change      | Not Requested           |
| Lot Area E § 202.1                                                           | 1,800 sq. ft. min.             | 2,430 sq. ft. | No Change      | Not Requested           |
| Lot Occupancy E § 210                                                        | 60% max.                       | 34%           | 52%            | Not Requested           |
| Front Setback E § 206                                                        | In line with existing setbacks | 0.0ft.        | No change      | Not Requested           |
| Rear Yard E § 306                                                            | 20 ft. min.                    | 75 ft         | 49ft           | Not Requested           |
| <b>Distance Beyond Rear Wall of Adjoining Buildings (R/RF zones) E 207.5</b> | <b>10 feet max.</b>            | <b>0 feet</b> | <b>20 feet</b> | <b>Relief Requested</b> |
| Side Yard E § 208                                                            | None required (row building)   | 0.0ft.        | No change      | Not Requested           |
| Parking C § 701.5                                                            | 1 min.                         | 1             | 2              | Not Requested           |

### IV. ANALYSIS

#### Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 For an addition to a principal residential building 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 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The applicant proposes to construct an addition extend 20 feet beyond the rear wall of the adjacent home to the east.

*5201.2 & 5201.3 not relevant to this application*

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

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

The proposed third-floor addition would be set back at least three feet from the front façade, as shown on the plans at [Exhibit 4](#). The three-story addition would extend approximately twenty feet beyond the residence to the east at 733 Irving Street NW, which is the property most proximate to the addition.

The Applicant submitted a shadow study at [Exhibit 7](#) demonstrating that the greatest incremental shadow on 733 Irving Street NW would occur briefly during the afternoon hours around 3:30 p.m. in the summer and fall. OP notes, however, that shadows in this location are already influenced by the existing structure at 737 Irving Street NW, which extends more than twenty feet beyond both the subject property and the eastern neighbor.

Given these existing conditions, OP finds that any additional shadow resulting from the proposed third-floor addition would be minimal and limited in duration. As a result, the light and air available to the most affected property at 733 Irving Street NW would not be appreciably diminished by the proposal.

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

Windows are not proposed on the east elevation, thereby avoiding new sightlines toward the most affected neighbor at 733 Irving Street NW. While the rear decks could introduce some potential for overlooking adjoining rear yards, this condition already exists due to the elevated deck on the property to the west. In fact, the proposed project would remove those existing west-side sightlines, resulting in no net increase in views into the rear yards of properties to the east.

The adjoining properties are already buffered by existing building walls, setbacks, and the established development pattern along the block. The proposed massing does not create new vantage points that would compromise privacy. Although the addition increases height, it does not extend in a manner that would introduce new direct views into neighboring properties.

The small rear decks are intended primarily for passive use associated with bedrooms and, on the lower levels, to provide functional access to rear parking and trash areas. These features do not materially alter the existing privacy relationships among properties.

Overall, the proposal would not unduly compromise the privacy of use and enjoyment of neighboring properties.

*(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*

The proposal is at the rear of the dwelling and should not be directly visible from the street. While it will be visible from the alleys, non-brick rear additions are typical in nature on neighboring dwellings and would not be considered visually intrusive.

*(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 provided plans, photographs, and elevations to sufficiently represent the relationship of the proposed addition from public ways.

*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 for the subject proposal.

*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 would continue use as a residential property, including a flat which is permitted in this zone.

## **Subtitle X Section 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 construct an addition what would provide expanded living area and convert it to a flat which is permitted in the RF-1 zone. The enlargement would 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; and*

The proposal would not increase the lot occupancy or reduce the rear yard beyond what is permitted in the zone. Since the lot is a long lot, the addition maintains a sizeable rear yard of 49 feet. Other than the extension, the project meets all other development standards for the RF-1 zone satisfying this standard.

*(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**

No comments from other District agencies have been supplied to the record at this report's publication.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

No comments from ANC 1E have been supplied to the record at this report's publication.

## **VII. COMMUNITY COMMENTS**

Community comments are not available at this time.

Figure 1: Location Map

