

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Shepard Beamon, Development Review Specialist
 MBR
 Maxine Brown-Roberts, Associate Director of Development Review
DATE: July 17, 2026

SUBJECT: BZA Case 21470: Request for special exception and area variance relief to construct a rear addition (deck) to an existing, semi-detached, three-story plus basement, flat at 1708 Kilbourne Place NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following area variance pursuant to Subtitle X § 1002:

- Lot Occupancy E § 210.1 (60% permitted or 70% by special exception; 84% existing; 100% requested)¹

*If the Board determines that the applicant has satisfied the variance criteria for the requested lot occupancy, OP recommends **approval** of the special exception for the rear yard, pursuant to Subtitle E § 5201 and Subtitle X § 901:*

- Rear Yard E § 207.1 (20 ft. required, 10 ft. existing; 0 ft. proposed)

The application includes a request for variance relief from the C§ 202.2 nonconforming structure requirement because the existing lot occupancy and rear yard are nonconforming. This relief is unnecessary. As stated in C § 202.2 (c), only relief from the aforementioned development standards is needed.

II. LOCATION AND SITE DESCRIPTION

Address	1708 Kilbourne Place, NW
Applicants	Erik Hoffland
Legal Description	Square 2600, Lot 83
Ward, ANC	Ward 1/ANC 1D
Zone	RF-1
Historic Districts	Mount Pleasant Historic District

¹ Per Zoning Case [25-12](#), the Omnibus zoning text amendment for SUBTITLE B§312.4(h), *Uncovered porches and decks that are more than 4 ft in height above the ground level at any point but level with or below the main floor of the building, to a maximum cumulative area of 200 SF; provided that this section shall not be used to exclude any portion of uncovered porches or decks from yard requirements.* The Final Order became effective July 10, 2026. OP provided this information to the applicant and recommended the applicant reduce the proposed deck to 200 SF to exempt the deck from lot occupancy and eliminate the need for variance relief.

Lot Characteristics	A 1,384 sq. ft. rectangular lot that abuts a 15' alley to the west and a 10' alley to the south.
Existing Development	The lot is improved with a three-story, semi-detached flat with a basement.
Adjacent Properties	Row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character consists of a mix of residential uses including single-family, flats and apartments.
Proposed Development	Construct a new rear deck addition off the main level of the flat.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Density E § 201	Two principal dwellings per lot	Two dwelling units	No change	None requested
Lot Width E § 202	18 ft. min.	20.5 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min.	1,304 sq. ft.	No change	None requested
Height E § 203	35 ft.	34 ft.	No change	None requested
Rear Yard E § 207	20 ft. min.	18.5 ft.	2.5 ft.	Special Exception Relief requested
Lot Occupancy E § 210	60% max. by right 70% by sp. ex.	69.4%	96.1%	Area Variance Relief requested
Pervious Surface E § 211	0% required for less than 1,800 sq. ft. lot area	N/A	N/A	None requested
Parking C § 701	1 space per principal dwelling unit.	2 spaces	No change	None requested
Nonconforming Structure C § 2001.3	Cannot extend existing nonconformity	Nonconforming lot occupancy and rear yard	Extend nonconforming lot occupancy and rear yard	Area Variance Relief requested

Location Map



IV. OP ANALYSIS

Subtitle C Section 202 NONCONFORMING STRUCTURES

202.1 *Except as provided in Subtitle C § 203.8, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, shall be permitted.*

Not applicable.

202.2 *Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:*

(a) *Conform to the use and development standards;*

The enlargement would conform to use but would not conform to rear yard and lot

occupancy.

- (b) *Neither increase nor extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined; and*

The proposal would increase the existing nonconforming lot occupancy and rear yard.

- (c) *Any enlargement or addition not meeting paragraphs (a) and (b) must obtain relief from the applicable development standards.*

The applicant requests special exception relief for the rear yard and an area variance for lot occupancy, which exceeds the maximum allowed by special exception.

Subtitle X Section 1000 AREA VARIANCE FOR LOT OCCUPANCY

1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

a. Extraordinary or Exceptional Situation

The applicant cites the lot's smaller area as an exceptional condition. Although the lot is a smaller substandard lot and has a higher lot occupancy and shorter rear yard, this particular lot configuration is not an exceptional situation to the District or in the immediate area. In this specific row of homes, three other lots are measuring the same 1,384 SF in area and one measuring 1,215 SF in area. Additionally, these lots are not irregularly shaped, nor do they have significant grade changes.

b. Exceptional Practical Difficulties

The lot dimensions and configuration should not create practical difficulty or result in practical difficulty for the owner. Denial of the variance will not preclude all use of the existing rear yard and the current zoning regulations do not clearly indicate that residents are entitled under zoning to private outdoor recreational space on their property. As mentioned above, the Zoning Commission approved a text amendment to exempt an uncovered deck up to 200 SF from lot occupancy requirements, which would eliminate the need for lot occupancy variance relief. Therefore, OP does not find that the proposal has met the first prong of the variance test.

No Substantial Detriment to the Public Good

The requested lot occupancy relief to allow a rear deck is unlikely to cause a substantial detriment to the public good. The deck would not be highly visible from Kilbourne Place and would be visible only from the alley, but the deck should not impact traffic or obstruct views for the vehicles using the alley. As stated above, it is unlikely that a deck at the proposed size would impact privacy, light and air for neighboring properties.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

OP finds that the proposed increase in lot occupancy for a rear deck would impair the general purpose and intent of the zoning regulations. The house, built prior to the 1958 Zoning Regulations, is already nonconforming for lot occupancy in the RF-1 zone. While the proposed deck would provide outdoor space above and usable space below without eliminating rear parking for a compact car, zoning standards are intended to regulate bulk and lot build-out. Because the deck would result in nearly 100% lot coverage, it would constitute overdevelopment of the site.

The applicant cites BZA 21371 & 21403, approves by the BZA as being similar to subject application. However, the relief granted in both cases were Special Exceptions and not Variances as in the instant case.

OP provides the following analysis for rear yard relief, if the Board approves the lot occupancy variance request.

Subtitle D § 5201 SPECIAL EXCEPTION FOR REAR YARD RELIEF

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 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 has requested special exception relief from the rear yard setback requirement to allow a rear deck in the rear yard.

5201.2 and 5201.3 Not applicable 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.*

The proposed deck would be uncovered off the main level of the house. The area below the deck would also be open air. Therefore, there should be no undue impact on light and

airflow for adjacent properties.

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

The proposed deck would provide for views towards the rear alley and other dwellings opposite the subject property. However, alleys separate the property from other homes and the homes on the properties to the south are oriented towards 17th Street; therefore, the deck has views into those rear yards, and not directly into homes. Therefore, privacy due to neighboring properties would not be unduly impacted beyond what currently exists.

- (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 deck may be minimally visible from Kilbourne Place NW through the side alley; however, since it is located in the rear yard and the property is not a corner lot, it should not detract from the character or pattern of homes in the immediate area. The deck would be visible from the side and rear alleys. However, the proposed deck is limited to the main level in height and is elevated high enough to not impede traffic or views in the alley. Therefore, the deck should not substantially visually intrude upon the character, scale and pattern of houses along the alley.

- (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, elevations, and photographs into the record with the latest at Exhibits 8 and 11.

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 recommend additional 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 house would continue to be used as a flat consistent with the RF-1 zone. No change to the building height or use is being proposed or requested.

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 requested special exception relief would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as it would not result in a structure that would not be inconsistent with the RF-1 Zone in terms of use or height, as the proposed deck would be limited to the main level, would not prohibit outdoor activity and would not remove parking from the property. Further, the proposed 2.5-foot setback would meet the 7.5-foot centerline setback for the alley.

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

Approval of the requested special exception to reduce the required rear yard is unlikely to significantly adversely affect the neighboring properties, as the proposed deck should not visually disrupt the character or appearance of the surrounding area nor should it cast an undue level of shadows or interfere with privacy for adjacent properties.

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

Special conditions have not been specified for the subject application.

V. OTHER DISTRICT AGENCIES

DDOT has informed OP that they have no objection to the proposal.

HPO has stated that the deck can be reviewed by staff and will not go before the HPRB. There are no historic preservation issues with the deck.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, ANC 1D has not provided comments to the case record.

VII. COMMUNITY COMMENTS

At the time of the report, there are no comments from the community.