

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
MBR
Maxine Brown Roberts, Associate Director Development Review

DATE: August 21, 2026

SUBJECT: BZA Case 21477: Request for special exception relief pursuant to Subtitle E § 5201 to allow construction of a deck at 1812 Kilbourne Place NW.

I. RECOMMENDATION

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

- E § 210 Lot Occupancy (60 % max. permitted; 60.5% existing; 67.5% proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	1812 Kilbourne Place, NW
Applicant:	Eric Salzberg and the Bialystok Trust represented by Erik Hoffland
Legal Description:	Square 2599, Lot 64
Ward / ANC:	Ward 1 ; ANC 1D01
Zone:	RF-1 – characteristic of row dwellings
Historic Districts	Mount Pleasant Historic District
Lot Characteristics:	The rectangular lot is an interior lot, with a lower grade at the rear than the street frontage, as shown in photos provided by the Applicant, which demonstrate the grade changes. See Exhibit 11 .
Existing Development:	The property is developed with a two-story, row dwelling that includes a basement and a small above-grade deck off the rear main level. An accessory garage with a roof deck is located off the alley, below the elevation of the rear yard.
Adjacent Properties:	Adjacent properties are developed with two-story row dwellings similar to the subject property, and several include rear accessory structures that abut the 20-foot-wide alley.
Surrounding Neighborhood Character:	The neighborhood is developed with two-story row dwellings and some small apartment buildings characteristic of the Mount Pleasant District, and RF-1 zone.

Proposed Development:	The Applicant proposes to remove the existing small rear deck off the main level and construct a larger deck measuring 10 x 16.6 square feet (166 sf). The expanded deck would occupy the same general rear-yard location as other deck structures along the block, while providing usable outdoor space for the home.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Density E § 201	2 principal units max.	1 principal unit	No Change	None required
Lot Width E § 202	18 ft. min.	21 ft.	No Change	None required
Lot Area E § 202	1,800 sq. ft. min.	2,205sq.ft.	No Change	None required
Height E § 203	35 ft. max.	33.7 ft.	No Change	None required
Rear Yard E § 207	20 ft. min.	31 ft.	21ft.	None required
Side Yard E § 208	None required, but 5 ft. min. if provided	N/A	N/A	N/A
Lot Occupancy E § 210	60% max.	60.5%	67.5%	Relief requested
Parking C § 701	1 space required	1 existing	2 spaces	None required

IV. OP ANALYSIS

The Applicant requests relief pursuant to E §5201 to construct a deck, replacing a smaller deck. The proposed deck increases the property's lot occupancy from 60.5% to 67.5%.

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;*
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- (c) Courts; and
- (d) Pervious surface.

The proposed deck would increase the lot occupancy from 60.5% to 67%.

5201.2 N/A

5201.3 N/A

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 expanded one-story open deck would occupy generally the same rear-yard location as the existing structure. Its modest height and presence of similar deck structures on adjacent lots indicate that it would not unduly affect the light or air available to neighboring properties. Its height is consistent with typical rear-yard accessory elements in this neighborhood, where pronounced grade changes occur between the street frontage and the alley. Given these grade conditions and the open nature of the deck, without walls or enclosed massing, it would not obstruct light or air to abutting homes and is expected to maintain existing rear-yard conditions.

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

Elevation drawings on Sheet 5 of the Architectural Plans ([Exhibit 5](#)) show that the expanded rear deck would be attached to the main level of the home. Privacy for homes across the 20-foot-wide alley would not be adversely affected, as the site's topography and the presence of existing alley-facing decks already have limited direct views into neighboring rear yards, particularly across the alley (See Photo 3 and 4 of [Color Photos – Exhibit 11](#)). The proposed deck would not introduce new vantage points beyond those created by the existing structure and therefore would not increase visibility into adjacent properties. As a result, privacy for neighboring properties would not be unduly compromised.

- (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 project would comply with applicable rear-yard requirements and consistent with the development pattern of the square as viewed from the rear and alley system.

- (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 record includes the required documents including Architectural Plans (Exhibit 13); Surveyor's Plat (Exhibit 10); and Color Photos (Exhibit 11) which were sufficient

to represent the relationship of the proposed accessory structure and deck to adjacent buildings and views 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 recommend additional treatment in terms of design.

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 existing use as a residential use would continue with the proposed addition.

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 RF-1 zone regulations are intended to maintain the established residential character, preserve the pattern of rear-yard open space, and accommodate decks within rear yards for passive recreation. The Applicant's proposal to replace the existing deck with a larger structure is consistent with these purposes. The structure would align with the existing pattern of decks on adjacent properties, thereby maintaining the house's established massing and character.

Since the project reinforces the typical rear-yard development pattern and remains compatible with the scale anticipated for the zone, it is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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

As discussed under the requirements of E§ 5201, the deck would occupy the same general location as the existing and would align with other deck structures of neighboring homes. Its scale and placement are compatible with the established rear-yard and alley pattern and is not expected to impair the privacy, use or enjoyment of adjacent properties.

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

Other conditions are not specified.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) provided its comment to OP via email on 8/17/2026 stating that DDOT has no objection to the approval of this application.

At the writing of this report there were no other District agencies' comments.

VI. ADVISORY NEIGHBORHOOD COMMISSION

The ANC 1C's comments were not in the record at the writing of this report.

VII. COMMUNITY COMMENTS

Community comments were also not in the record at the writing of this report.

Attachment: Location Map

LOCATION MAP

