

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: September 18, 2026

SUBJECT: BZA Case 21497: Request for special exception relief to allow construction of a one-story, accessory garage with a roof deck at 222 17th Place N.E.

I. RECOMMENDATION

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

- E § 207.1 Rear Yard (20 feet min: 16 ft. 10.5 ins existing: no change proposed)
- E § 210.1 Lot Occupancy (60% max. permitted (M-O-R);

The Applicant has requested **lot occupancy relief**. However, following the adoption of the revised measurement rules under ZC 25-12 (effective July 10, 2026), Subtitle B § 312.4(h) now excludes uncovered porches and decks—up to a cumulative 200 square feet—from lot occupancy calculations.

At the writing of this report, the Applicant could not confirm the revised lot occupancy calculations and stated to OP that this would be provided at the hearing. Therefore, this report includes the requested lot occupancy relief, out of an abundance of caution.

II. LOCATION AND SITE DESCRIPTION

Address:	222 17 th Place, N.E.
Applicant:	Anthony and Lindsey Hill
Legal Description:	Square 1093, Lot 70
Ward / ANC:	Ward 7/ANC 7D
Zone:	RF-1
Historic Districts	N/A
Lot Characteristics:	The rectangular, interior lot, has a lower grade at the rear than at the street frontage. See Exhibit 10 . The rear of the lot abuts a 20-foot-wide alley.
Existing Development:	The property is developed with a two-story, row dwelling that includes a basement and a small above-grade deck at the rear and off the main level. A single parking space is located within the rear yard on a parking pad.

Adjacent Properties:	Adjacent properties are developed with two-story, row dwellings similar to the subject property, and several include similar deck structures in the rear yards 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 surrounding Capitol Hill area, although this property is not within the Historic District.
Proposed Development:	The Applicant proposes renovation of the existing building and the filling in of a small, approximately 33 square feet area. As part of the renovation, an area within the basement will also be developed as part of the home's living area. There is currently a rear deck (10.75 feet x 12-75 feet) within the non-conforming rear yard which measures 16 feet 10.5 inches.

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.	18 ft.	No Change	None required
Lot Area E § 202	1,800 sq. ft. min.	1432.62 sf.	No Change	None required
Height E § 203	40 ft. max.	27 ft. 2.5 ins	No Change	None required
Rear Yard E § 207	20 ft. min.	16'-10 1/2" (to house), 4'-1" (to deck)	No change	Relief 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. 70% by SE	65.3 % (with deck) (55.7% without)*	66.6 % (58% with addition)*	Relief requested
Parking C § 701	1 space required	1 existing	2 spaces	None required

(* = OP's calculation)

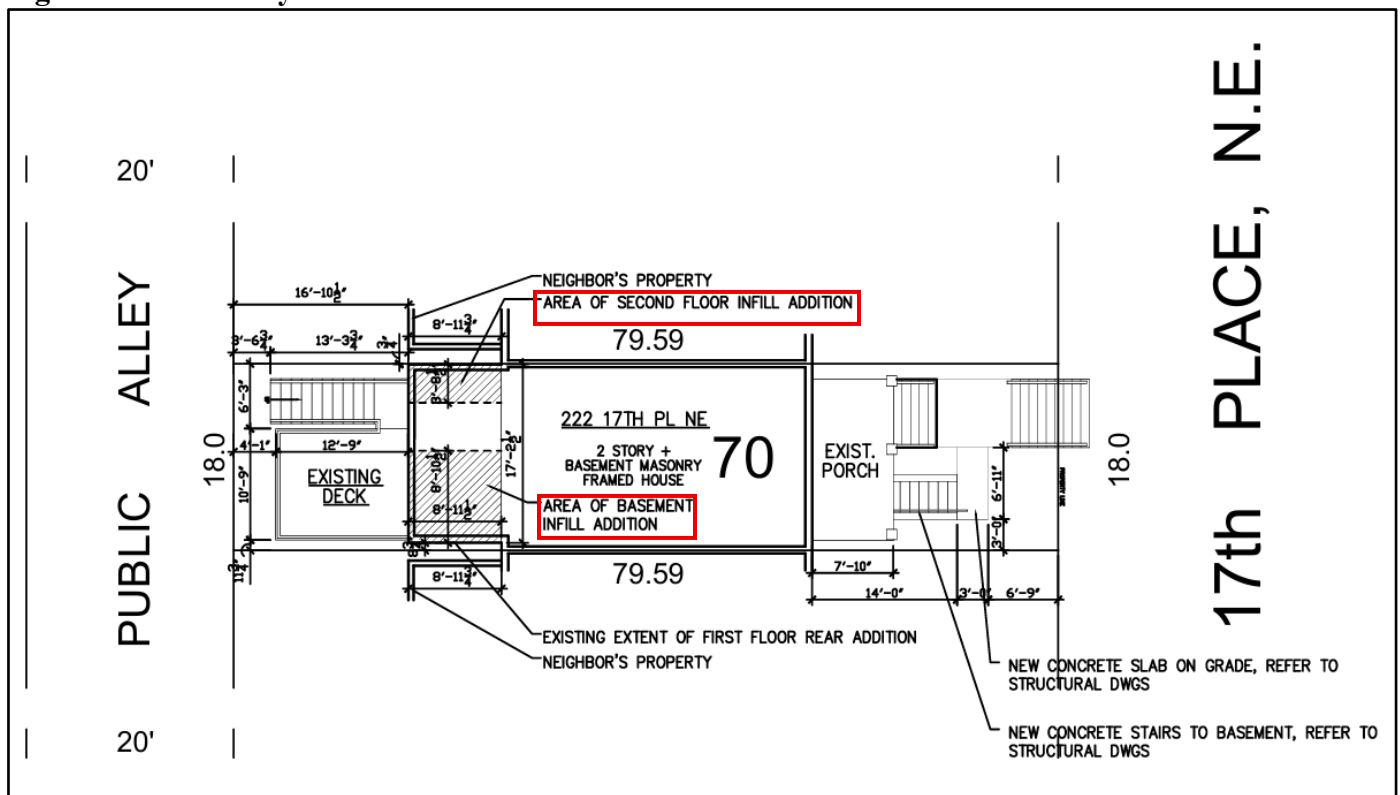
IV. OP ANALYSIS

The Applicant requests relief from the lot occupancy requirement of E § 210 pursuant to E § 5201 to

infill a small area at the second story as shown in the DC Surveyor Plat at [Exhibit 7](#), reproduced below for ease of reference. The Applicant is also proposing a basement-level infill addition within the footprint of the existing basement area as shown.

The Applicant also requests rear yard relief as the existing deck is entirely within the non-conforming rear yard. The deck measures 137 square feet. (The area seems to conform to the new Subtitle B § 312.4 which states that uncovered decks to a max of 200 square feet is excluded from the measurement of lot occupancy.) At the writing of this report, the Applicant has not verified OP's comments regarding whether lot occupancy relief is required. Therefore, the relief will be reviewed as the application is self-certified.

Figure 1. Surveyor's Plat



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 front setback and alley centerline setback;
- (c) **Courts**; and
- (d) **Pervious surface**.

The existing rear deck is located within the required rear yard, and therefore the rear yard must be measured to the rear lot line from the farthest extent of the structure pursuant to Subtitle B § 312.4(h). Although the deck does not exceed the maximum 200 square feet permitted for uncovered decks within the required rear yard, its presence within that yard means the proposal cannot rely on the standard rear-yard measurement to the building wall. As a result, the project requires relief from the rear-yard requirement because the existing deck establishes a rear-yard depth that is less than what is required for the zone.

5201.2 This requirement is not relevant to this application As there is no accessory structure.

5201.3 This requirement is not relevant to this application as this is not an alley lot.

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;

Lot Occupancy

The proposed one-story infill at the rear of the second level would add approximately 33 square feet to the existing lot occupancy. As shown in the photographs at [Exhibit 10](#), the addition would not obstruct any windows or openings on abutting properties. The new façade plane would align with the adjoining rear elevation and would not project beyond the established building line as viewed from the alley.

Given its modest size, limited footprint, and placement within an existing building envelope, the addition is not expected to create undue impacts on the light or air available to neighboring properties. Adjacent lots already contain similar rear façades and massing patterns, and the proposed infill would be consistent with that context.

Rear Yard

The existing rear deck, which remains within the permitted size for uncovered structures in the required rear yard, does not alter the massing of the addition nor contribute to any additional rear-yard impacts.

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

Lot Occupancy

The privacy of use and enjoyment of neighboring properties would not be unduly compromised. The proposed infill is modest in size, located at the second level, and does not introduce new windows or elevated outdoor areas that would create additional sightlines into adjoining rear yards. As shown in Exhibit 10, the addition aligns with the existing rear façade and does not extend beyond the established building line shared by abutting homes.

The adjacent properties already benefit from physical separation created by existing building walls, rear-yard depth, and the pattern of development along the alley. The

project maintains these relationships and does not reduce the distance between windows or introduce vantage points that would overlook neighboring outdoor or interior spaces.

Given the limited scale of the infill, its alignment with adjoining structures, and the absence of new direct views into neighboring properties, the proposal is not expected to result in any undue compromise to the privacy of use and enjoyment of adjacent lots.

Rear Yard

The existing deck presents no change to the existing views from, so that privacy and use of enjoyment would not be altered 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 would not visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The infill would align with the abutting houses, and the existing deck would be consistent with the development pattern of rear decks within the square, and therefore would not visually intrude upon the character, scale, and pattern of houses as viewed from the 20-foot wide 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 record includes the required documents including Architectural Plans (Exhibit 4); Surveyor's Plat (Exhibit 7); and Color Photos (Exhibit 10) which were sufficient to represent the relationship of the proposed addition and deck to adjacent homes 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 any additional treatments.

- 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 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 typical accessory structures along alleys. The Applicant's proposal to construct the 33 square feet infill at the rear is consistent with these purposes. The addition would align with the existing pattern of alley-facing residences on adjacent properties. The existing deck sits at the elevation of the main level of the dwelling, maintaining the house's established massing and alley-facing character and no other changes would be made to the deck which is entirely within the required rear yard.

Since the project reinforces the typical rear-yard and alley development pattern in the neighborhood and remains compatible with the anticipated scale for the residential uses, 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*

The small infill would occupy the same location as the second floor and would align with other abutting homes. The existing deck is not proposed to be altered. Its scale and placement are compatible with the established rear-yard and alley pattern. Both the modest addition, and the existing deck are not expected to impair the use or enjoyment of adjacent properties.

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

As demonstrated above, the proposal meets the specified requirements of E § 5201.

V. OTHER DISTRICT AGENCIES

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

VI. HISTORIC PRESERVATION

While the property is not within a historic district, the Capitol Hill Restoration Society (CHRS) voted unanimously to approve the addition its letter in support is at [Exhibit 21](#).

VII. ADVISORY NEIGHBORHOOD COMMISSION

The property is within ANC 7B. At the time of this report, there were no comments in the record.

VIII. COMMUNITY COMMENTS

There are letters in support of the Application [at Exhibit 11](#) and [Exhibit 19](#).

LOCATION MAP

