

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: September 25, 2026

SUBJECT: BZA Case 21499: Request for special exception relief to allow construction of a screened porch at 408 Constitution Avenue, N.E.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201, E§ 403 and Subtitle X § 901:

- E § 210.1, Lot Occupancy (60% max: 64.7% existing: 66.2% proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	408 Constitution Ave., N.E.
Applicant:	Mark Sherman and Edith Shine
Legal Description:	Square 814, Lot 0015
Ward / ANC:	Ward 6; ANC 6C
Zone:	RF-1/CAP : the zone is intended to promote and protect the "...general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the..." <i>Master Plan for Future Development of the Capitol Grounds and Related Areas</i> , approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288).
Historic Districts	Capitol Hill Historic District
Lot Characteristics:	The rectangular lot is an interior lot, with unremarkable topography as shown in submitted photos. See Exhibit 5.
Existing Development:	The property is developed with a two-story, with cellar, row dwelling with a small above-grade deck off the rear main level.
Adjacent Properties:	Adjacent properties are developed with row dwellings like the subject property, and several include similar deck structures at the rear of the house.
Surrounding Neighborhood Character:	The neighborhood is developed with two-and three-story, row dwellings, a school, and some small apartment buildings characteristic of the surrounding Capitol Hill Historic District.

Proposed Development:	The Applicant proposes to redevelop its existing deck and replace it with a screened in porch in the same general location as the deck.
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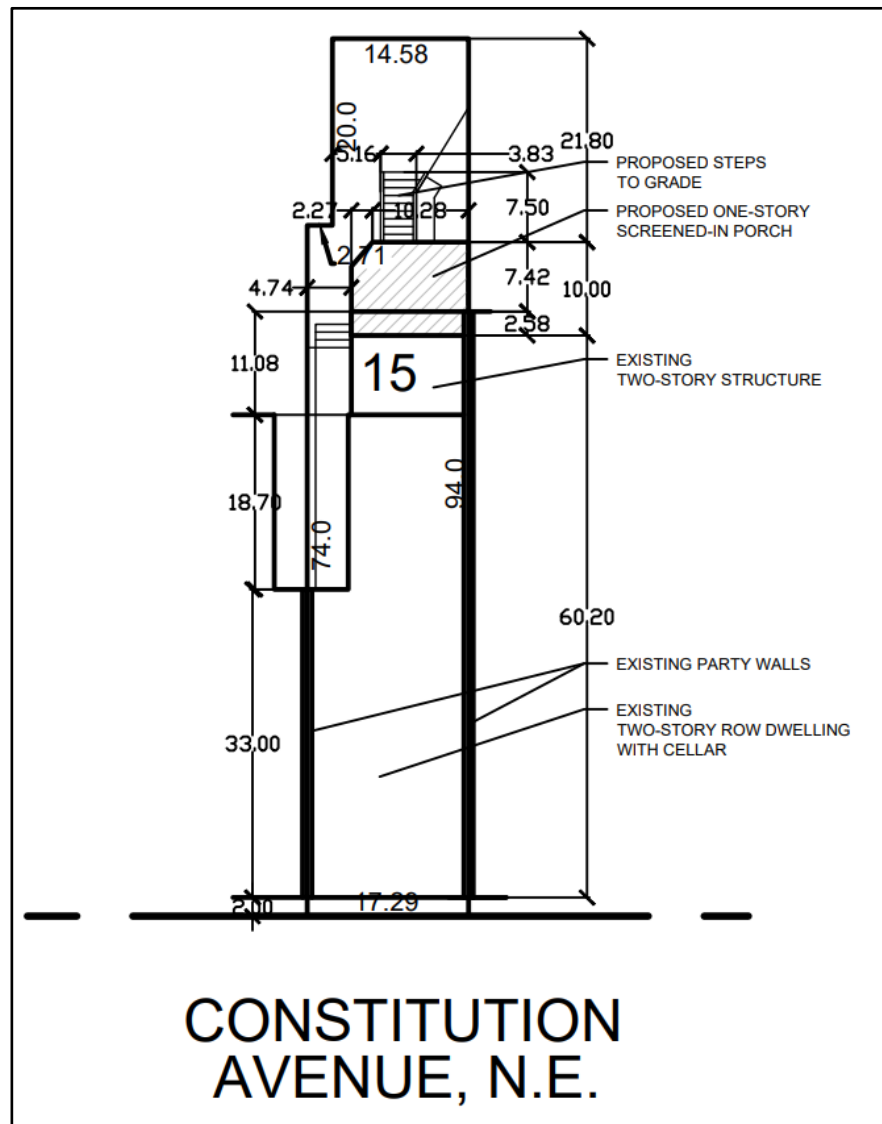
III. ZONING REQUIREMENTS and RELIEF REQUESTED

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.	17.3 ft.	No Change	None required
Lot Area E § 202	1,800 sq. ft. min.	1,571 sf.	No Change	None required
Height E § 203	35 ft. max.	27.3 ft.	No Change	None required
Rear Yard E § 207	20 ft. min.	23.16 ft.	21.96 ft	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. (M-O-R) 70% by SE	64.7 %	66.2 %	Relief requested
Parking C § 701	1 space required	Not provided	Not provided	None required

IV. OP ANALYSIS

The Applicant requests relief from the lot occupancy requirement of E § 210 pursuant to E § 5201 to construct a screened porch at the existing first story as shown in the DC Surveyor Plat at [Exhibit 2](#), reproduced below for ease of reference. The existing deck would be demolished and replaced with a screened porch. Since the property is within the RF-1/CAP zone, OP also provided its review pursuant to [E § 403- Special Exception Review Criteria](#) as required.

Submitted Plat Exhibit 2



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;

The Applicant has proposed reconstructing the existing deck at the first level at the rear of the home into a screened porch. This would represent a modest increase in the lot occupancy from 64.7% to 66.2%.

- (b) *Yards, including front setback and alley centerline setback;*

(c) *Courts; and*

(d) *Pervious surface.*

5201.2 & 5201.3 These criteria are 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 screened porch would present a minimal increase in lot occupancy from 64% to 66%. As shown in the photographs at [Exhibit 5](#), the screened porch addition should not obstruct any windows or openings on abutting properties.

The one-story porch would be roughly within the same footprint as the existing deck. Its modest height, open-screened perimeter, and position below the main roofline would ensure that it does not introduce new massing that would obstruct daylight or ventilation to the subject property or to adjacent homes. The rear yard remains largely open, and existing dogleg conditions between the subject property and #406 to the west, would continue to function as effective light-and-air corridors.

Given its limited scale and rear placement, the porch's screened enclosure at the first floor does not materially alter the availability of light or air to neighboring properties. Adjacent rear façades and upper-story windows would continue to receive daylight similar to existing conditions, and any additional shadowing would be minimal. As a result, the screened porch is not expected to create an undue impact on the light and air available to neighboring dwellings.

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

The proposed one-story screened porch would not unduly compromise the privacy of use and enjoyment of neighboring properties. The structure is confined to the rear of the dwelling and occupies the same general footprint as the existing deck, maintaining the established side-yard separation between the subject property, and #406, as well as #410 Constitution Avenue N.E. The proposed porch would not create new elevated vantage points into adjoining yards or interior spaces.

Because the porch does not introduce new second-story massing, balconies, or platforms that typically raise privacy concerns, the relationship between rear yards remains unchanged. Neighboring properties retain the same level of visual protection they experience today, and no new direct sightlines are created toward adjacent outdoor or interior areas. For these reasons, the privacy of use and enjoyment of neighboring properties would not be unduly compromised. OP also notes that the immediate neighbor to the west at #406 provided a letter in support at [Exhibit 20](#).

(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, except for the specific relief requested and would be consistent with the development pattern of the square as viewed from the rear. There is no alley as the rear property line abuts the playground of an elementary school to the north.

- (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 the Surveyor's Plat ([Exhibit 2](#)); Color Photos ([Exhibit 5](#)); and Architectural Plans ([Exhibit 6](#)) which are sufficient to represent the relationship of the proposed screened 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 any 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 existing residential use would continue with the proposed addition, as decks are ancillary to residential uses.

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. In addition to those purposes, the RF-1/CAP zone regulations are to “reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol...”([E § 400.2\(b\)](#))

The Applicant's proposal to construct a screened in porch at the rear is not inconsistent with these purposes. The addition mimics the existing pattern of north-facing residences on adjacent properties which faces a school's play area. The porch would sit at the elevation of the main level of the dwelling, maintaining the house's established massing within the rear yard.

Since the project reinforces the typical rear-yard development pattern in the neighborhood and remains compatible with the anticipated scale for the residential uses it is not inconsistent with the RF-1/CAP purposes and intent and is in harmony with 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 screened porch would occupy the same general location as the existing deck, and its scale and placement are compatible with the established rear-yard. The proposed screening is 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 and as discussed under E§403 hereafter.

CAPITOL INTEREST RESIDENTIAL FLAT ZONE – RF-1/CAP

403 SPECIAL EXCEPTION REVIEW CRITERIA

- 403.1 *In reviewing an application for a special exception in the RF-1/CAP zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:*

- (a) *Compatible with the present and proposed development of the neighborhood;*

As discussed under Subtitle X§901.2 and based on the analysis of the criteria under E§5201 and also pursuant to E§400.2 (b), the proposal is compatible with development in the neighborhood particularly as viewed from the rear.

- (b) *Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and*

The major goal of the Master Plan is to preserve the Capitol's historic character, enhancing public access, and guiding sustainable, coordinated development of the grounds and related areas. This property is not within the Capitol precinct. However, the Architect of the Capitol (AOC) is granted authority to review proposals within areas adjacent to the precinct, and comments are provided by the AOC as shown in [Exhibit 18](#).

- (c) *In accordance with the plan promulgated under the Act.*

This requirement is not applicable as the property is not on U.S. Capitol grounds.

- 403.2 *Upon receipt of the application, the Board of Zoning Adjustment shall refer the application to:*

- (a) *The Architect of the Capitol for review and report; and*

The Architect of the Capitol provided its report at Exhibit 18.

- (b) *The Office of Planning for review, report, and impact assessment along with coordination of reviews in writing of all relevant District departments and agencies including:*

- (1) *The District Department of Transportation;*

- (2) *The Department of Housing and Community Development; and*

(3) The Historic Preservation Office if the application involves a historic district or historic landmark.

The District Department of Transportation submitted to OP that there were no objections to the application. The Capitol Hill Restoration Society and the Architect of the Capitol submitted their reports based on the property's location within the Capitol Hill Historic District and the Capitol Precinct as referenced below.

403.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

OP does not suggest additional screening or other special treatment to mitigate adverse impacts.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) submitted an email to OP on 9/21/2026, stating that there were no objections to this application. At the writing of this report there were no other District agencies' comments.

VI. HISTORIC PRESERVATION

The Capitol Hill Restoration Society (CHRS) voted to support the requested relief as shown in the record at [Exhibit 19](#). The Architect of the Capitol (AOC) also submitted its report in support at [Exhibit 18](#).

VII. ADVISORY NEIGHBORHOOD COMMISSION

The property is within ANC 6C. At the time of this report, there were no comments in the record.

VIII. COMMUNITY COMMENTS

There are two letters in support at Exhibits [20](#) and [21](#), at the writing of this report.

Attachment: Location Map

LOCATION MAP

