District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: November 24, 2026

SUBJECT: BZA Case 21508: Request for variance relief to allow a front porch expansion at 5332 41st Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of area variance relief pursuant to Subtitle X § 1001:

- Lot Occupancy, D§ 210.1 (40% max. permitted; 55.3% existing; 56.5% proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	5332 41st Street, N.W.
Applicants:	Neva Jacobs and Mark Meiklejohn
Legal Description:	Square 1742, Lot 48
Ward / ANC:	Ward 3/ ANC 3E
Zone:	R:2. The purpose of the R-2 zone is to provide for areas with semi-detached houses on moderately sized lots that also contain some detached houses.
Historic Districts:	N/A
Lot Characteristics:	The interior lot is slightly elevated from the street level which is lower than the rear of the home.
Existing Development:	The property is developed with a two-story, masonry, row structure with attic and basement and used as a single-family home.
Adjacent Properties:	The adjacent properties are similarly developed with two-story attached row structures.
Surrounding Neighborhood Character:	The neighborhood is characteristic of moderate-density, single family row houses on both small and large lots all within the R-2 district.

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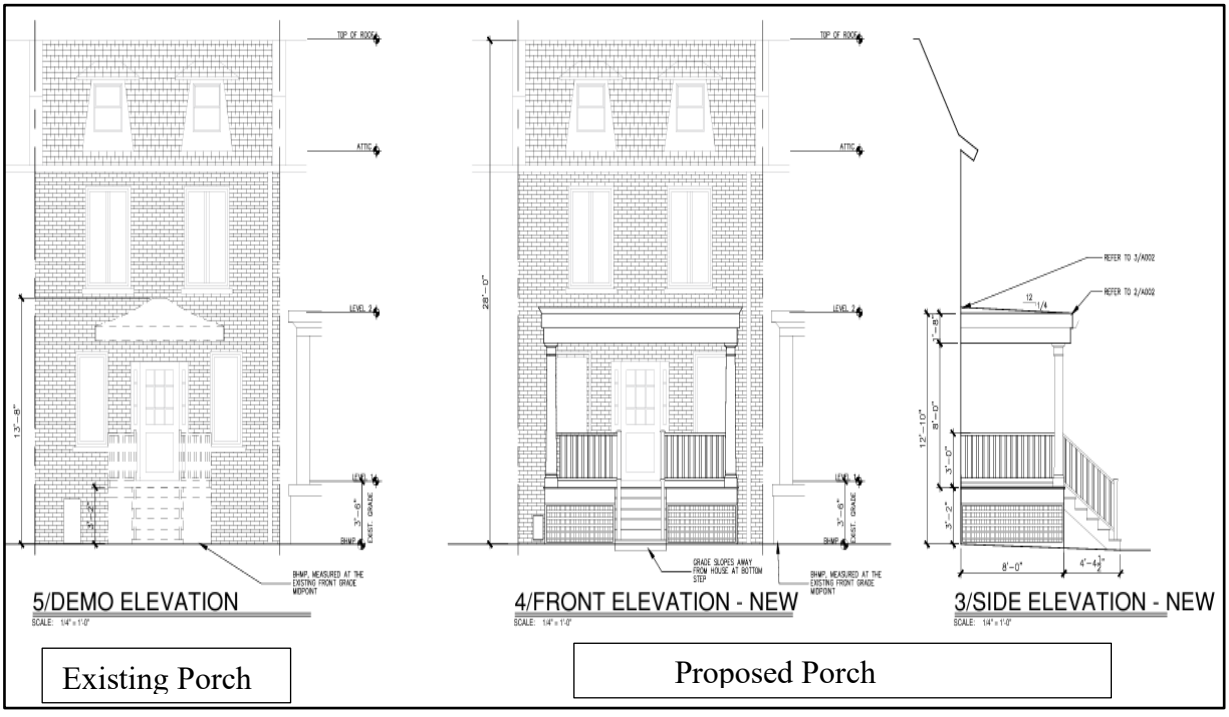
CASE NO. 21508
EXHIBIT NO. 32

Proposed Development:	The Applicant proposes to modestly expand the existing 24 square feet (3 feet x 8 feet) front porch of the home, which currently exceeds the maximum permitted lot occupancy under special exception. The proposed one-story front porch would be approximately 45 square feet, (3 feet x15 feet) on the property, and 75 square feet (5 feet x15 feet) in area within public space for a total of 120 square feet (minus stairs). (see Figure 1 below). A permit will be obtained from DDOT for the projection into public space. This would align with existing porches on the block, including the abutting neighbor to the north. The owners would like to expand the front porch to have a place for passive recreation including "*for their family to gather, and their children to play outside and enjoy their front yard as many families do on the block."* Since the existing property exceeds the maximum permitted for the R-2 zone, the modest increase of 136 square feet increases the lot occupancy from 55.3% to 56.5%. Therefore, variance relief is requested. (See table highlighted below).

Figure 1. Existing and Proposed Porch (Exhibit 18 -Architectural Plans)



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed	Relief
Lot Area D § 202	4,000 sf min.	1,757 sf	No Change	None required
Lot Width D § 202 (302)	40 ft. min.	19 ft.	No Change	None required
Height D § 203	40 ft. max.	28 ft. ins.	No Change	None required
Rear Yard D § 207	20 ft. min.	34.5 ft.	No Change	Relief required
Side Yard D § 207	No required	N/A	No Change	None required (Existing non-conformity)
Lot Occupancy D § 210	**40% max. (MOR) 50% max. (Sp. Ex.)**	**55.3% (971.62 sf)**	**56.5 % (992.71 sf)**	**Variance relief required (21.08 sf)**
Pervious Surface	30% max.	98.1%	99.1%	Existing non-conformity

The Zoning Administrator provided the following information to OP:

(a) The property is zoned R-2 and would require variance relief from the lot occupancy provisions pursuant to D-5201.1(a) which limits lot occupancy to 50%.

(b) The Zoning Administrator's authority to grant a minor deviation from lot occupancy would be limited to 42% lot occupancy in the R-2 zone; and

(c) Per Subtitle C § 501.2(c), the pervious surface requirements would apply only if the proposed addition to the principal structure increased the existing lot occupancy at the time of building permit application by ten percent (10%) or more, as the Applicant previously applied for relief from the pervious surface requirement.

IV. OP ANALYSIS

i. Is the property unique due to:
- *Exceptional narrowness, shallowness, or shape at time of original zoning regulation adoption,*
- *Exceptional topographical conditions, or*
- *Other extraordinary or exceptional situation?*

OP finds that the subject property is subject to an exceptional and extraordinary condition resulting from its lot area and historic development pattern. While zoned R-2, the property is located within a block face on 41st Street, N.W. that is developed predominantly with attached row dwellings, a development pattern that is atypical of the R-2 zone's intended character. Pursuant to Subtitle D §

101.7, *the R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots, together with some detached houses*. (SEE LOCATION MAP) The subject lot substantially deviates from the dimensional characteristics anticipated by the R-2 zone. At approximately 1,757 square feet, the lot is less than half of the 4,000-square-foot minimum lot area generally associated with detached development in the R-2 zone. The lot's area more closely resembles the dimensional standards found in the RF-1 zone, where row dwelling development on lots of approximately 1,800 square feet and 60% maximum lot occupancy is anticipated. As a result, the property is unable to reasonably satisfy the criteria, including lot occupancy and the resulting development pattern contemplated by the R-2 zone despite being located within that district.

OP therefore finds that the property's exceptional condition arises not only from its undersized lot area but also from its location within a row house context that predates current zoning expectations. The combination of a substantially substandard lot area and a block face developed predominantly with attached dwellings creates an extraordinary condition unique to the property and similarly situated lots on this portion of 41st Street, N.W. This condition distinguishes the property from the typical R-2 lot developed with semi-detached or detached dwellings on moderately sized parcels in other portions of the immediate neighborhood.

ii. Does the uniqueness, in combination with the zoning regulations result in:

- *Peculiar and exceptional practical difficulties to the owner?*

As a result of these physical characteristics described above, opportunities to make modest improvements to the dwelling are significantly constrained. Unlike owners of larger and more conforming R-2 properties, the subject property has limited or no flexibility to accommodate customary residential enhancements without exceeding the prescribed lot occupancy limitations. The existing dwelling already occupies 55.3% of the lot, a condition largely attributable to the development pattern and undersized nature of the lot rather than any recent action of the Applicant.

The proposed project consists of a modest extension of an existing front stoop of 24 square feet within the property line to a front porch of 45 square feet within the property line, increasing the lot occupancy from 55.3% to 56.5%, an increase of only 1.2 percent above the existing lot occupancy. (See the existing porch plan attached). Given the constrained dimensions of the lot, even a minor improvement results in a measurable lot occupancy increase. The Regulations therefore operate more restrictively on this property than on a typical R-2 lot, where comparable improvements could often be accommodated without similar zoning relief.

The practical difficulty is not merely the Applicant's desire to enlarge the porch, but rather that the property's exceptional lot area, the existing development pattern, and already nonconforming lot occupancy condition leave little reasonable opportunity for modest residential improvements without variance relief and which would normally be a special exception on a lot meeting the R-2 development standards. As such, the need for the variance stems from the unique characteristics of the property itself. Therefore, OP finds that the requested variance is necessitated by the unique characteristics of the property rather than the personal circumstances of the Applicant.

iii. Does the variance substantially impair the intent purpose and integrity of the zone plan?

OP finds that the requested variance relief would not substantially impair the intent, purpose, or integrity of the Zoning Regulations or the R-2 Zone. The relief would not alter the established residential use of the property, nor would it introduce a building form or development pattern inconsistent with the surrounding neighborhood or the abutting neighbors at #5330, and 5334 41st Street N.W. who are in support of the proposal (See Exhibit 23, pages 2 and 9) The proposed porch extension would not materially increase building height, density, or intensity of use, nor would it create adverse impacts related to light, air, privacy, or open space beyond those already associated with the existing dwelling. The relief is limited in scope and is intended to accommodate a modest residential improvement customary to a single-household dwelling.

Given the limited nature of the proposed porch expansion, the absence of any change in use or neighborhood character, and the property's unique development constraints, OP concludes that approval of the requested lot occupancy variance would constitute a minor and reasonable accommodation of the site conditions and would not substantially impair the intent or integrity of the R-2 Zone or the broader Zoning Regulations.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) asked OP via email on 11/20/206 to convey to the BZA that DDOT has no objection to approval of the application.

VI. ADVISORY NEIGHBORHOOD COMMISSION

The property is in ANC-3E which provided comments in support of the application at Exhibit 30.

VII. COMMUNITY COMMENTS

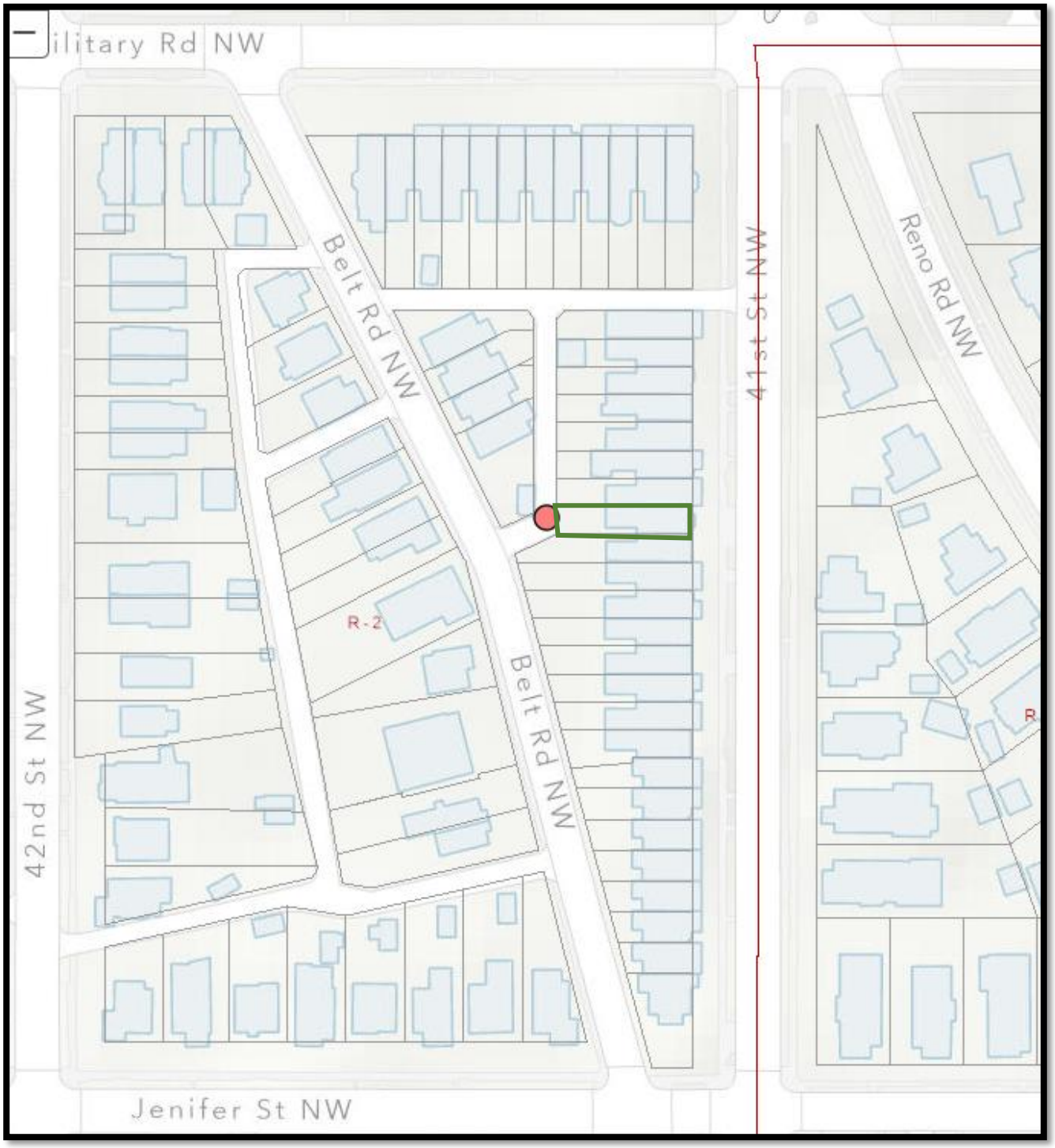
The adjacent and surrounding neighbors submitted their support at Exhibit 23.

Attachments:

Location Map

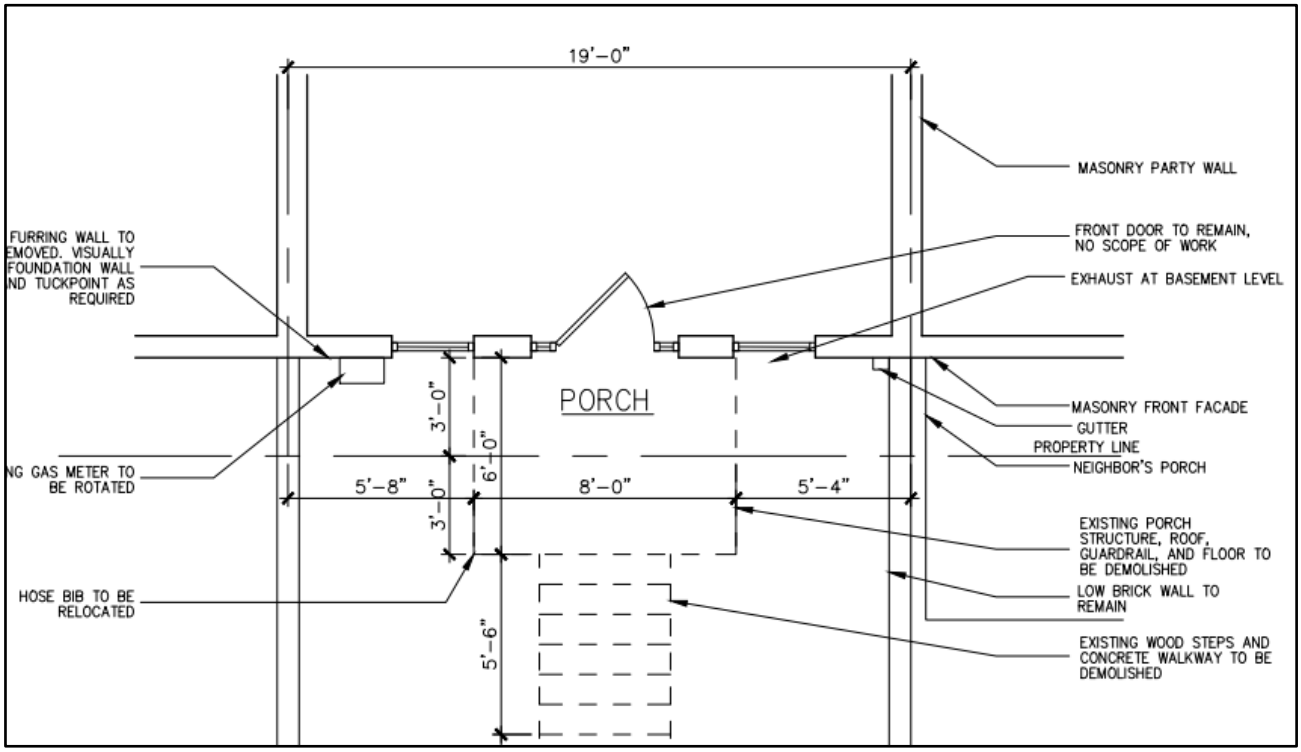
Porch Plans (Existing and Proposed)

LOCATION MAP



Porch – Existing and Proposed (Architectural Plans – Exhibit 18)

Existing Porch



Proposed Porch

