

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of 816 21ST NE DC LLC
816 21st Street, NE (Square 4495, Lot 11)

I. INTRODUCTION.

A. Overview

This Statement is submitted on behalf of 816 21ST NE DC LLC (the “**Applicant**”), owner of the property located at 816 21st Street, NE (Square 4495, Lot 11) (the “**Property**”). The Property is located in the RF-4 Zone and is improved with a two-story + cellar rowhouse dwelling (the “**Building**”). The Applicant is proposing to construct a rear addition (the “**Rear Addition**”) that requires relief from the 10-foot rule and is also proposing to construct a third-floor addition (the “**Third Floor Addition**,” referred to collectively with the Rear Addition as the “**Addition**” or “**Project**”). The Third Floor Addition involves the removal of the Building's existing mansard roof, which requires relief as well. The Applicant is also proposing to convert the existing single-family use to three residential units, as is permitted by right in the RF-4 zone.

B. Summary of Relief

As part of the proposal, the Applicant seeks the following special exceptions:

1. 10-Foot Rule: The Addition will extend fourteen feet, five inches (14 ft. 5 in.) past the rear wall of the building on 814 21st Street, NE, the property directly south. Accordingly, the Addition will extend four feet, five inches (4 ft. 5 in.) beyond the ten feet (10 ft.) permitted as a matter of right under Subtitle E § 207.4. Therefore, the Applicant seeks relief from E-207.4 pursuant to E-207.5, subject to the requirements of E-5201. The property to the north, at 818 21st Street, NE, is also owned by the Applicant and is being developed simultaneously with the subject Property. Accordingly, while the proposal will go beyond the 818 building's current footprint, it will line up with the proposed footprint.
2. Architectural Elements: The RF Zones contain a provision, Subtitle E § 204.1, prohibiting the alteration of original rooftop architectural elements, including mansard roofs. The Applicant proposes to remove the Building's existing mansard roof as part of the Project. Accordingly, the Applicant seeks special exception relief pursuant to E-204.4.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief pursuant to Subtitle X § 901.2, Subtitle E § 5201, and Subtitle E § 204.4.

III. CONTEXT AND PROJECT.

A. Description of Property and Surrounding Area.

The Property is located in the RF-4 Zone District, in Ward 5, ANC 5D and has a land area of approximately 1,597 square feet. It is improved with a two-story + cellar rowhouse dwelling currently used as a single-family home. The Property is directly north of, and adjoins, 814 21st Street, NE, the only adjoining principal residential building relevant to the requested 10-foot rule relief. To the west, the rear of the Property abuts a public alley, across which are other row dwellings. To the north is 818 21st Street, also owned and being developed by the Applicant. To the east is 21st Street, NE, across which are properties in the RA-2 zone, including apartment buildings.

B. Project Description.

The Applicant proposes to construct a 22 ft. 5 in. rear addition to the Building, together with the removal of the Building's existing mansard roof. The design is intended to match the roofline treatment already found at 828 and 802 21st Street, NE, both of which removed their original roof structures while maintaining the same slope and overall look. The Addition will remain within the matter-of-right height and lot occupancy limits for the RF-4 Zone, and the resulting rear yard will continue to meet the applicable requirement. All other development standards are met. The relief required for the Project is from the 10-foot rule and the architectural elements provision, as described below.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Requirements of Subtitle X § 901.2.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under E-5201 and E-204.4 of the Zoning Regulations.

1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The granting of the 10-foot rule relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Pursuant to Subtitle E §§ 101.5 through 101.7, the RF-4 Zone is intended for established residential neighborhoods proximate to higher-density zones, to promote the continued row house character and appearance and residential use of larger row buildings, and to provide for areas predominantly developed with residential row buildings of three (3) or more stories within which no more than three (3) principal dwelling units are permitted. The Building will remain a row dwelling, now with three residential units, consistent with that purpose. The scope of the Addition is consistent with the pattern of development already present on this block.

The Applicant's proposed roofline for 816 21st Street, NE will match the treatment already established at 828 and 802 21st Street, NE, both of which removed their original roof structures while maintaining the same slope and overall look, including at 828 21st Street, NE, which received BZA approval for similar relief. Because this approach is already an established pattern on this block, the Applicant's design will read as a natural extension of the existing streetscape rather than a discordant alteration. Photos of those properties have been included with this submission.

2. Granting of the Special Exception will not tend to Affect Adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception relief will not tend to affect adversely the use of the neighboring properties. The Addition will extend 14 ft. 5 in. past the rear wall of the adjoining building at 814 21st Street, NE—only 4 ft. 5 in. beyond what is permitted as a matter of right, and the removal of the mansard roof will match a treatment already found elsewhere on the block. As described more fully below, the granting of the requested relief will also not unduly impact light and air or privacy of the neighboring properties.

B. Specific Special Exception Requirements.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

1. 10-Foot Rule and Architectural Elements Relief

The Applicant is seeking relief from the 10-foot rule pursuant to E-5201.4. The relief for alteration of the mansard roof is reviewed under E-204.4, which contains the same criteria as E-5201.4. Both are addressed together below.

a) The light and air available to neighboring properties shall not be unduly affected;

(i) 10-Foot Rule: The light and air available to the neighboring properties will not be unduly affected by the granting of an additional 4 ft. 5 in. of building length. The Property and 814 21st Street, NE are oriented generally east-west, consistent with the pattern of development along 21st Street, NE, and the sun's east-to-west path will limit any additional shadow cast by the Addition to a limited portion of the day. A shadow study will be submitted and the Applicant anticipates that the study will confirm no undue impact on the light and air available to 814 21st Street, NE.

(ii) Architectural Elements: The removal of the existing mansard roof will not affect the light or air available to neighboring properties, as the change is limited to the roof form and does not increase the Building's footprint or height beyond what is otherwise permitted.

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

(i) 10-Foot Rule: The privacy of use and enjoyment of neighboring properties will not be unduly compromised by the granting of the relief. The Addition does not include any new windows facing 814 21st Street, NE, and the relief will not create any new privacy impact.

(ii) Architectural Elements: There will be no impact to the privacy of use and enjoyment of neighboring properties from the removal of the existing mansard roof.

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

(i) 10-Foot Rule: The Addition, together with the Building, as viewed from the street and alley, will not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage. Several other rowhouses along this block of 21st Street, NE, including 828 and 802 21st Street, NE, have received similar rear additions while continuing to maintain a

rear yard consistent with the applicable requirement, reflecting an established pattern of development that the proposed Addition follows.

(ii) Architectural Elements: The design matches the treatment already used at 828 and 802 21st Street, NE, allowing the Addition to read as a unified composition rather than a discordant projection.

V. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

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Date: September 30, 2026