

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Development Review Specialist  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** November 7, 2024

**SUBJECT:** BZA Case 21195, 10 Girard Street NE - request to permit a second principal dwelling.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **Denial** of the following use variance relief pursuant to Subtitle X § 1000:

Subtitle U § 201.1 Matter of Right Uses  
 (one principal dwelling unit permitted; two principal dwelling units proposed)

In communication with the Applicant, OP recommended they use the accessory apartment option to create a second unit on the property, instead of requesting a use variance for a second principal unit on the property. An accessory apartment could potentially be done by-right.

### **II. LOCATION AND SITE DESCRIPTION**

Address	10 Girard St., NE
Applicant	Lucrecia Johnson on behalf of Asha Payne and Onay Payne Co-Trustees
Legal Description	Lot 82, Square 3500
Ward, ANC	Ward 5, ANC 5E
Zone	R-3, low density rowhouse residential zone allowing one principal unit and one accessory dwelling unit on each lot, maximum.
Lot Characteristics	16.67 ft. x 80 ft. rectangular lot with a 15 ft. alley in the rear
Existing Development	Single-dwelling rowhouse
Adjacent Properties	Both adjacent properties are developed with single-dwelling rowhouses
Surrounding Neighborhood Character	The neighborhood is generally composed of single dwelling rowhouses.
Proposed Development	The proposal is to convert the existing basement into a second principal dwelling unit. No physical expansion of the building is proposed.

### III. LOCATION



### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: R-3	Regulation	Existing	Proposed	Relief
Uses U § 201	One max. principal dwelling unit permitted.	Two dwelling units	Two Principal dwelling units	<b>Variance Relief Requested</b>

### V. OFFICE OF PLANNING ANALYSIS

#### **X§1000 Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**

#### **Extraordinary or Exceptional Situation**

The Applicant acknowledges the property itself is not exceptional or unique. They argue that having a second unit would be unique. Though OP supports the appropriate infill for the addition of housing units and options in the city, the applicant has not identified an exceptional situation on the property that justifies a use variance.

#### **Resulting in an Undue Hardship to the Owner**

The Applicant argues that a second unit would allow them to provide an additional dwelling unit in the city, which is in line with the District's housing goals. While OP appreciates the Applicant's desire to provide more housing, this would not constitute an undue hardship to the owner. Furthermore, a second unit can be done on the property as an accessory apartment, which is allowed by-right, or by special exception if minor relief from accessory dwelling unit provisions is required.

#### **No Substantial Detriment to the Public Good**

The addition of a second unit should not result in a detriment to the public good. The Zoning Regulations allow for a second unit to be provided in the R-3 zone as an accessory apartment – this provision requires that one of the units be occupied by the owner of the property.

### **No Substantial Impairment to the Zoning Regulations**

Granting the requested use variance would impair the zoning regulations. No exceptional situation leading to an undue hardship to the owner has been identified on the property. Furthermore, the integrity of the Zoning regulations would be eroded if the proposed nonconforming use were granted, particularly since the Regulations specifically provide a conforming option for a second unit - an accessory apartment - that would meet the intent of the regulations and address the Applicant's goal to provide a second unit on the site.

### **VI. OTHER DISTRICT AGENCIES**

In an email to OP, DDOT stated they have no objection to the proposal. As of the writing of this report, there are no comments from other District agencies in the record.

### **VII. ADVISORY NEIGHBORHOOD COMMISSION**

As of the writing of this report, no report from ANC 5E has been filed into the record.

### **VIII. COMMUNITY COMMENTS TO DATE**

As of the writing of this report, no comments from the community have been filed into the record.