

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Shepard Beamon, Development Review Specialist  
 JL Joel Lawson, AICP, Associate Director Development Review  
**DATE:** June 12, 2025

**SUBJECT:** BZA Case 21303: Request for area variance relief to add two additional units to a nonconforming four-unit apartment house in the RF-1 zone at 1631 A Street SE.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- U § 301.1(b) (Use Permissions (RF)) Permitted: 2 units max. (RF-1), Existing: 4 units, Proposed: 6 units (Area Variance relief for two (2) units); and
- U § 301.5(b) (Use Permissions) Expansion permitted, provided that each new and existing unit has a min. lot area of 900 sq.ft. (3,400 sq.ft. deviation)

Although the proposal would add new dwelling units to an existing multi-family building in a way that would not seem to result in any significant impact on the neighborhood or increase lot occupancy and height, OP finds that the applicant has not provided a reasonable justification for the requested variance relief. The applicant was initially informed that use variance relief was needed, for which they applied, but the Zoning Administrator’s Office later confirmed area variance relief was needed, as this request would be considered a deviation from RF zone development standards.

According to the applicant and available information, the existing building was constructed in 1941, predating the 1958 zoning regulations; however, OP is not sure if the building was originally constructed as a four-unit building or converted at a later date based on available background information. If the property was legally constructed as a four-unit apartment house prior to the 1958 regulations, the requested two additional units would continue to not be permitted without a variance, as each unit cannot meet minimum area requirement pursuant to Subtitle U § 301.5(b). Per DCMR Subtitle U § 301.5, *“An apartment house in any of the RF-1 zones that was constructed as an apartment house prior to May 12, 1958, or that was lawfully constructed as an apartment house prior to August 7, 1981, in compliance with the then-applicable zoning regulations, shall be considered a conforming use and may renovate or expand in conformance with the applicable provisions of the title.”* The property is a tax lot and will need to be converted to a lot of record.

**II. LOCATION AND SITE DESCRIPTION**

Address	1631 A Street SE
Applicants	Beth Davis on behalf of Rasool and Jamal Ahmed (Owners)
Legal Description	Square 1086, Lot 804 (Tax Lot)
Ward, ANC	7D

Board of Zoning Adjustment  
District of Columbia

Zone	RF-1; moderate density residential allowing 2 dwelling units by right, and conversions or expansions of existing buildings by special exception subject to lot size restrictions, or by variance.
Historic Districts	N/A
Lot Characteristics	Rectangular corner lot measuring 2,000 sq. ft. in area.
Existing Use	Semi-detached, two-story plus cellar apartment house with four units.
Adjacent Properties	Two-story, semi-detached single-family dwellings
Surrounding Neighborhood Character	The surrounding neighborhood consists of a mix of single- to multifamily residential uses.
Proposed Development	The applicant proposes to expand the existing four-unit apartment house to six units by building out the cellar level.

### III. LOCATION



**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief:</b>
Density E § 201	2 principal units max. (may be used for more than 2 principal dwelling units pursuant to Subtitle U, Chapter 3)	4 dwelling units	6 dwelling units	<b>Area variance relief requested</b>
Lot Width E § 202	30 ft. min. (Semi-detached)	N/A	No change	None requested
Lot Area E § 202	1,800 sq.ft. min.	2,000 sq. ft.	No change	None requested
Height E § 203	35 ft./3 stories	Two-stories	No change	None requested
Front Yard E § 206	Within the range of existing front setbacks	N/A	No change	None requested
Rear Yard E § 207	20 ft. min.	N/A	No change	None requested
Side Yard E § 208	N/A	N/A	No change	None requested
Lot Occupancy E § 210	60%	N/A	No change	None requested
Vehicle Parking C § 701	1 per 2 dwellings for RF zone	N/A	N/A	None requested
Use Permissions (RF) U § 301.5(b)	In the RF-1 zone, an apartment house with less than 900 sq. ft. of lot area per existing dwelling unit does not increase the number of dwelling units (5,400 sq.ft. for six units)	2,000 sq.ft. (500 sq.ft. for four units)	2,000 sq.ft. (333 sq.ft. for six units)	<b>Area variance relief requested</b>

**V. OP ANALYSIS**

**Subtitle X Section 1000 (AREA) VARIANCE GENERAL PROVISIONS**

*1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6- 651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as*

*to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."*

### **Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty**

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

The applicant proposes to build out the cellar of an existing two-story, four-unit apartment house in the RF-1 zone and does not propose any changes to lot occupancy or building height. However, the applicant has not provided a sufficient description of an exceptional condition that would warrant the granting of the requested variance relief. The property includes a building that currently exceeds the maximum number of units permitted in the RF-1 zone, with each unit currently not meeting the minimum lot area. The proposal would increase this non-conformity. The applicant states that the limited size of the lot creates an exceptional situation; however, this does not present a unique situation, as there are other lots in the same square with similar or smaller areas.

#### ***Resulting in Practical Difficulty***

There does not appear to be anything about the lot that is unique to the point that it results in a practical difficulty. Neither the lot nor the dwelling on it appears to result in a practical difficulty to the owner, in that the building currently exceeds the maximum number of units permitted in the RF-1 zone.

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

Granting the requested relief should not result in a substantial detriment to the public good. The proposal would not significantly alter the character of the surrounding neighborhood, as the applicant proposes no changes to the building envelope or significant changes to the site, and the two additional units would not result in a burdensome impact on street parking.

#### ***No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations***

Particularly without the demonstration of a reasonable exceptional condition, the applicant has not demonstrated that the requested area variance relief would not impair the intent, purpose, or integrity of the Zoning Regulations. The RF-1 zone is intended to provide for areas predominantly developed as row buildings on small lots with no more than two dwellings per lot and encourages limited conversions of residential buildings into more than two dwelling units on larger-sized lots. As of today the property is not large enough to provide the lot area per unit required by the zoning regulations. Although it appears that the existing building was originally constructed as a four-unit building and predates the 1958 zoning regulations, this has not been documented in the record and the zoning regulations do not currently anticipate an expansion in terms of number of units for such a building.

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

As of the filing of this report, no other agencies have provided comments to OP or the record.

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

There is no report from ANC 7D in the record at the time of this report.

### **VIII. COMMUNITY COMMENTS**

There are no community comments in the record at the time of this report.