

SUPPLEMENTAL MEMORANDUM

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

SUBJECT: BZA Case 21303: Request for area variance and special exception relief to add two additional units in the cellar of an existing, legally non-conforming four-unit apartment house in the RF-1 zone at 1631 A Street SE.

I. BACKGROUND

The applicant proposes to build out the cellar of an existing two-story, four-unit apartment house in the RF-1 zone with two additional dwelling units. The Office of Planning (OP) filed a report at Exhibit 22 providing analysis of this application and a recommendation of denial of the area variance relief requested, noting that 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, the applicant had not provided a reasonable justification for the requested variance relief, as is the applicant's responsibility.

At its June 25, 2025, the BZA considered a request to postpone the public hearing, and set September 24, 2024 as the new hearing date. Since that time, the application has been amended to add special exception relief from parking (see Exhibit 34B), and the case record has been augmented with additional analysis to support the requested variance relief in Exhibit 34A (August 11, 2025), and additional analysis of their interpretation of the intent of the 900 square foot per unit rule in the now RF zones, in Exhibit 37A (September 9, 2025), which is also relevant to the variance test.

Other aspects of the submissions by the applicant, particularly as part of Exhibit 37, are irrelevant to this case so were not reviewed by OP, but OP again notes that each application is evaluated by OP and by the BZA based on its own merits and based on the justification for the relief for that case by the applicant, consistent with the Zoning Regulations.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** 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)

OP also recommends **approval** of the following special exception relief pursuant to Subtitle C § 703 and Subtitle X §900:

- C § 701 Minimum Vehicle Parking – Required: 1 parking space per 2 dwelling units (3 spaces); Existing: 0 spaces; Proposed: 0 spaces

III. LOCATION AND SITE DESCRIPTION

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

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
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	Area variance relief requested
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

RF-1 Zone	Regulation	Existing	Proposed	Relief:
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 (3 spaces for 6 units)	0 spaces	0 spaces	Special exception relief requested
Use Permissions (RF) U § 301.5(b)	1 unit per 900 sq. ft. of lot area for multi-family conversions (5,400 sq. ft. required for six units)	2,000 sq. ft. (500 sq. ft. for four units)	2,000 sq. ft. (333 sq. ft. for six units)	Area variance relief requested

V. OP ANALYSIS

Subtitle X Section 1000 AREA VARIANCE GENERAL PROVISIONS (USE PERMISSIONS RF-1)

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. The space was previously used as laundry for units above, which have recently been upgraded such that the laundry room is no longer needed. In their recent filings, the applicant has provided additional analysis against the variance test to support this request. OP does not concur that the limited size of the lot presents a unique situation in support of the provision of this particular relief request (to add additional units), but the application does provide analysis describing how the upgrades to the floors above creates cellar space which is essentially not usable and would otherwise remain vacant, with the associated maintenance and security impacts. The applicant also states that the exact location of this site and building could exacerbate some of these issues.

Resulting in Practical Difficulty

The circumstances noted above present a practical difficulty to the applicant, in that without the requested relief, the space within the existing building would remain unusable, creating maintenance and security difficulties. The applicant also notes the impracticality, expense, and disruption to existing tenants of enlarging and expanding existing ground-floor units into the basement.

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

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, but to also allow limited conversions of residential buildings into more than two dwelling units, and RF zoned areas include small apartment buildings permitted by right under previous zoning regulations, such as this building. While the regulations are not typically intended to support expansions of existing non-conformities, in this case, the footprint, bulk and size of the building would not be increased, and the existing apartment use of the building would not change.

Subtitle C Section 703 SPECIAL EXCEPTION FROM MINIMUM PARKING REQUIREMENTS

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The property currently has no off-street parking. The property is located less than half a mile from the Stadium Armory Metrorail station and Metrobus stations along East Capitol Street and 19th Street SE. Also, the property is a corner lot with no public alley access and no opportunities for new curb cuts from the street.

(c) – (j) are not applicable.

703.3 Any reduction in the required number of parking spaces granted under Subtitle C § 703.2 shall be:

(a) Proportionate to the reduction in parking demand demonstrated by the applicant;

(b) Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and

(c) Limited to relief from the minimum number of parking spaces required by this section and

shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.

The applicant has requested parking relief for the required off-street parking spaces. The property currently does not, and cannot reasonably, accommodate off-street parking and the applicant proposes no changes to allow parking on the property.

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;

Approval of the requested special exception relief would not be inconsistent with the general purpose and intent of the RF-1 zone or the parking regulations. Granting the requested special exception will not impact or change the property from the intended or allowed use, or diminish the parking available on the site.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The existing structure does not have off-street parking. Approval of the requested special exception would be unlikely to adversely affect the neighboring properties, as the property has existed without parking for several years with no known issues. Requiring the on-site parking would necessitate a curb cut from the street, which would reduce available street parking and would not be feasible, even if permitted, given the location on a corner.

(c) Subject in specific cases to the special conditions specified in this title.

No special conditions are specified in this title for the requested relief.

VI. OTHER DISTRICT AGENCIES

DDOT previously filed a letter stating no objection to the proposal at Exhibit 21.

VII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 7D has provided a letter of support in the record at Exhibit 24.

VIII. COMMUNITY COMMENTS

There are two letters in support in the record at Exhibits 28 and 32. At Exhibit 23 is a letter in opposition from the Capitol Hill Restoration Society.

LOCATION MAP

