


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Philip Bradford, AICP, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: July 9, 2025

SUBJECT: BZA Case 21307: Request for special exception and variance relief to permit a three unit conversion and reduce minimum vehicular parking requirements at an existing three story residential building in the RF-1 zone.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle X §1002:

- U § 320.2(c) Residential Conversion (900 sq. ft. land area per dwelling unit, 562 sq. ft. existing; 562 sq. ft. proposed);

OP also recommends **approval** of the following special exception pursuant to Subtitle C § 703.2, Subtitle X § 901, and:

- C § 701.5 Min. Vehicle Parking Requirements (1 required, 0 existing; 0 proposed); and
- U § 320.2 Residential Conversion (Residential conversion requires Special Exception, approved as 2 unit flat; 3 unit proposed).

II. BACKGROUND

The Board of Zoning Adjustment previously granted special exception relief at this property under [Case No. 18754](#) in May 2014. The materials provided at that time indicated the property would remain a two unit flat and proposed a third story addition. Building permits were applied for and issued in 2014 with final inspection and certificate of occupancy issued in 2015. The property was then listed as a three-unit apartment in 2018 as shown in Exhibit [8A](#), with tenant leases and affidavits in Exhibits [20C](#) and [20D](#) also in alignment with this timeline. Based on the information in the record and permitting history available to OP it is likely the previous owner either built the addition approved by the BZA differently from the approved plans or made unpermitted changes sometime between 2015 and 2018. The current owner purchased the property in 2018 inheriting the current configuration.

III. LOCATION AND SITE DESCRIPTION

Address:	725 Hobart Place NW
Applicant:	Sullivan & Barros, LLP, for Henry Tam and Lan Tran, owners.
Legal Description:	Square 2888, Lot 0197
Ward / ANC:	Ward 1; ANC 1E

Zone:	RF-1 (Low to Moderate Density Rowhouses and Flats)
Historic Districts	None
Lot Characteristics:	Rectangular lot 25 ft. wide by 67.50 ft. deep abutting Hobart Place, NW to the south. Lot size = 1,688 square feet.
Existing Development:	Three-unit row building.
Adjacent Properties:	Mixed use, apartments, flats, and row buildings.
Surrounding Neighborhood Character:	Moderate density residential transitioning to a mixed-use corridor along Georgia Avenue NW.
Proposed Development:	The applicant is requesting relief to permit the existing third dwelling unit, which is not permitted as a matter of right. No physical changes to the property.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Conversion to apartment house U § 320.2	3 or more units by sp.ex. with 900 sq. ft. of lot area per unit	3 units	3 units (562 sq.ft. lot area /unit)	Special Exception / Area Variance Requested
Lot Width E § 202	18 ft. min.	25 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min.	1,688 sq.ft.	No change	None requested
Height E § 203	40 ft. max.	38 ft.	38 ft.	None requested
Rear Yard E § 207	20 ft. min.	8.2 ft.	8.2 ft.	Approved via BZA Case No. 18754
Side Yard E § 208	None required, but 5 ft. min. if provided	0 ft.	0 ft.	None requested
Court E § 209	2.5 in./1 ft. height min. = 12.6 ft.	5 ft.	5 ft.	Approved via BZA Case No. 18754
Lot Occupancy E § 210	60% max.	68.9%	68.9%	Approved via BZA Case No. 18754
Parking C § 701	1 space required	0	0	Special Exception Requested

V. OP ANALYSIS

Area Variance from Residential Conversion Land Area Requirements– Subtitle U § 320.2(c), pursuant to X § 1000

The applicant requests an area variance from Subtitle U § 301.5(b), which states:

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 this title, provided that:

...

(b) An apartment house with less than nine hundred square feet (900 sq. ft.) of lot area er existing dwelling unit does not increase the number of dwelling units;

The proposal is to legalize the existing three units, which results in 562 square feet of land area per unit.

i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner

a. Extraordinary or Exceptional Situation

The property is faced with an exceptional situation due to the existing configuration and condition. It is likely that the previous owner, as detailed in the background section of this report above, converted the building into three separate units instead of the permitted two unit flat as was intended by prior permitting approvals. The building has been in its current three-unit configuration prior to being purchased by the current owner in 2018.

b. Exceptional Practical Difficulties

The owner has several practical difficulties in that the property is surrounded by other existing buildings, therefore there is no ability to purchase additional land without creating similar nonconformities or noncompliant situations on adjacent properties. Converting the structure back to a matter of right two-unit flat would result in the eviction of a minimum of two of the existing tenants and would result in considerable expense from construction costs and loss of income. Renovations could include the need to remove an existing kitchen and reconfiguring the bedrooms, bathrooms, and staircase and entryway area to the units.

ii. No Substantial Detriment to the Public Good

The applicant is requesting relief to maintain the existing situation and not increase it in size or number of units, after inheriting the situation from a past owner. Given the three units have been in existence for at least five years, there would not appear to be any detriment to the public good by approving the area variance. The density is generally compatible with the surrounding area, which contains rowhomes, flats, and multifamily buildings. Impacts on light, noise or privacy should be minimal as there would be no additions or alterations to the existing structure. Rather, denial of the

request would result in a need for construction related disruption to the residents of the building and the neighborhood, in addition to the permanent eviction of one tenant. There should be negligible impact on the transportation network given the site is in an area with numerous public transit options. The site is also proximate to higher density mixed use zoning. There are no public comments in the record that are in opposition to this case, as of the date of this report.

iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The zoning regulations anticipate the conversion of buildings within the RF-1 zone to apartment houses, although the regulations require that the property meets the special exception conversion criteria, including that the properties has 900 square feet of land area per dwelling unit. While the property is unable to meet the land area restriction for use, the building would be unchanged and consistent with the intent of the zone. Given that the current owners are not responsible for the illegal conversion, granting the area variance would not significantly impair the integrity of the zoning regulations.

Special Exception from Residential Conversion Requirements - Subtitle U § 230.2 Pursuant to Subtitle X § 901.2

320.2 *The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use pursuant to Subtitle U § 301.4 that increases the number of units, shall be permitted in any of the RF-1 zones if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:*

- (a) *The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;*

The building to be expanded is in existence on the property and will be at the time the Department of Buildings would accept the building permit as a complete application for the conversion / expansion.

- (b) *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and*

The proposal includes three dwelling units; therefore the Inclusionary Zoning set-aside requirements do not apply to this request.

- (c) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.*

The proposed structure includes three dwelling units requiring a minimum of 2,700 square feet of land area. The subject property has 1,688 square feet of land area, which results in 562 square feet of land area per dwelling unit, which does not meet this condition. The applicant has requested an

area variance from this requirement, as noted above.

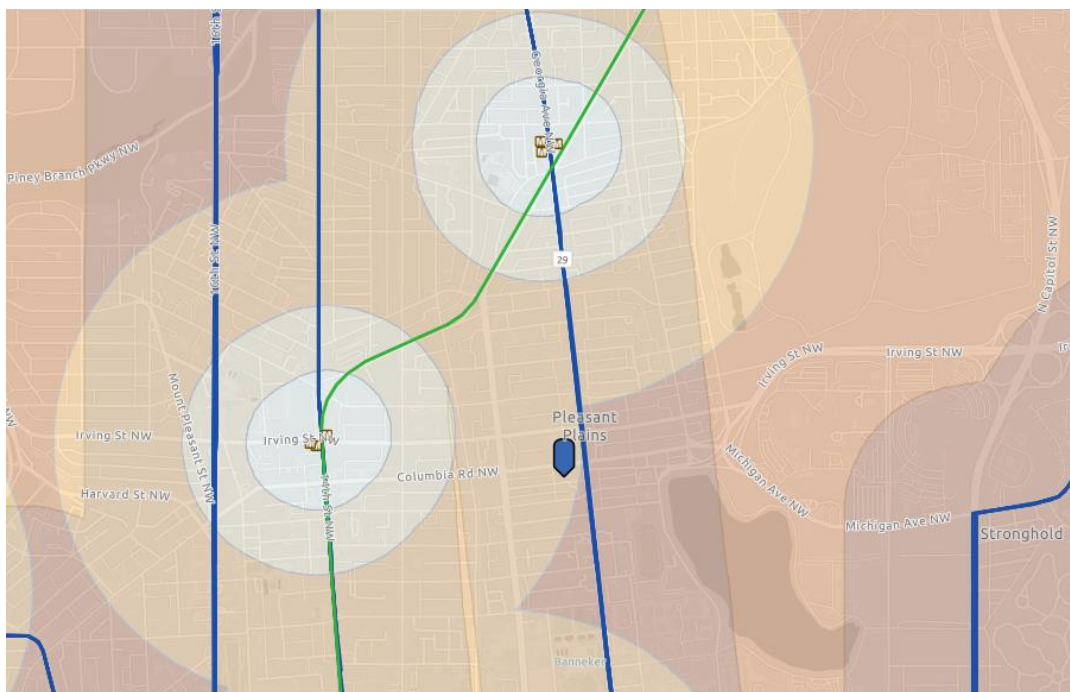
Special Exception from Minimum Vehicle Parking Requirements - Subtitle C § 701.5 Pursuant to Subtitle C § 703.2 and Subtitle X § 901.2

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;*

The property does not have alley access and due to grade the applicant is unable to provide the off-street parking space on the property. Additionally, the applicant was not able to locate available parking within 600 feet of the subject property.

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



The location of the property is indicated above and is particularly well served by mass transit. The property is located within the metro station entrance buffers for both Columbia Heights and Georgia Avenue / Petworth WMATA Green Line Stations and is located a short distance from priority bus corridor which is indicated in blue. A Capital Bikeshare station is also located one block to the north at the intersection of Columbia Road NW and Georgia Avenue, with shared and dedicated bike lanes located on numerous streets within close proximity of the property.

...

- (h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public*

street and either:

- (1) A curb cut permit for the property has been denied by the Public Space Committee; or*
- (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*

The property does not have access to a public alley, the property also does not have enough space to build an off-street parking space that could meet the required dimensions required by C § 712.5 or C § 712.6.

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;*

The RF-1 zone permits the conversion to apartment buildings under set criteria noted in the section above. While the subject property and its three units do not meet the land area requirements, for which the applicant has requested an area variance, the broader apartment conversion is within the purpose and intent of the zoning regulations and maps. The off-site vehicular parking also meets the criteria for special exception.

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

The proposal maintains the existing three units which have been in existence for at least five years without any detriment to neighboring properties. The three units have also been occupied without the required off-street parking space that would be required for a three-unit conversion. No letters in opposition to the request are filed to the record at this time. No adverse impacts are anticipated by granting the requested special exception relief to maintain the existing configuration of the property.

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

VI. OTHER DISTRICT AGENCIES

At the writing of this report, no comments from any District Agencies have been submitted to the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

At [Exhibit 22](#) is a report from ANC 1E in support of the application.

VIII. COMMUNITY COMMENTS

At the writing of this report, there are no comments from members of the community in the record.

Attachment: Location Map

Figure 1: Location Map

