



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: July 9, 2025

SUBJECT: BZA #21319 – 1332 Harvard Street, NW – Request for relief to legalize an existing 4th unit

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested area variance:

- U § 301.5(b), pursuant to X § 1002 – Existing, purpose-built apartment building in RF-1 with less than 900 square feet of lot area per unit cannot expand; Request to legalize an existing fourth unit, for a total of four units at 636 square feet per unit.

II. LOCATION AND SITE DESCRIPTION

Address	1332 Harvard Street, NW
Applicant	1332 Harvar, LLC
Legal Description	Square 2855, Lot 66
Ward / ANC	Ward 1, ANC 1A
Zone	RF-1 (Low to Moderate Density Rowhouses and Flats)
Historic District or Resource	None
Lot Characteristics and Existing Development	Existing rowhouse-type building, originally constructed in 1903 as an apartment building with three stories plus basement. The use was permitted to have three apartments, but there are four existing units – one on each floor. Lot size = 2,543 square feet.
Adjacent Properties and Neighborhood Character	Adjacent buildings are similarly-scaled rowhouse buildings. Immediate surroundings are rowhouses, but with a number of apartment buildings on this block and nearby blocks.
Proposal	Legalize the existing fourth unit; No physical changes to the property.



III. ZONING REQUIREMENTS AND ANALYSIS

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:

- (a) [n/a]*
- (b) An apartment house with less than nine hundred square feet (900 sq. ft.) of lot area per existing dwelling unit does not increase the number of dwelling units;*

The subject building was built as an apartment building in 1903, and had Certificates of Occupancy for three units. The proposal would expand the building to legally have four units. Given the lot size of the property, however, at 2,543 square feet, the site does not have enough lot area for four units. The proposal would result in approximately 636 square feet per unit. The applicant, therefore, requests relief from the above standard, which the Board is authorized to grant pursuant to X § 1000. The application must meet the three-part area variance test, which is analyzed below.

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

The subject property is encumbered by exceptional conditions. First, there have been a series of owners over the past 17 years:

- Prior to 2008 – “Old owner”;
- 2008 – 2020 – “Ownership group”, including a “managing partner”;
- 2020 – Present – “Current owners”.

According to the application, the old owner began the renovation of the basement space into a fourth unit, and the property was sold to the ownership group mid-renovation. The managing partner of the ownership group completed the renovation and was in charge of renting the building over the next decade. The building has existed as a four-unit building ever since. In 2020 the current owners, a collective derived from the ownership group, bought out the managing partner. According to the application, the current owners had no role in the 2008 renovation or renting the property since that time, and had no knowledge that the certificate of occupancy was for only three units on floors one through three. The discrepancy was discovered after the 2020 purchase, during a routine ownership-change update to the certificate of occupancy. Once discovered, the current owners began the process to legalize the unit, ultimately resulting in the present BZA application. Please see Exhibit 22A, the applicant’s supplemental written statement, for additional narrative of the history of this property.

b. Strict Application of the Zoning Regulation Would Result in Exceptional Practical Difficulties

The applicant is impacted by a practical difficulty resulting from the exceptional conditions affecting the property. In order to bring the property into compliance with the present certificate of occupancy, the existing basement unit would need to be combined with the first floor unit, or some other consolidation of units within the building would need to occur. This process would be expensive and lead to a physical disruption to the interior of the building, including displacement of existing tenants. The applicant has also provided a cost estimate for renovations at Exhibit 22B. Renovations would include the removal of an entire kitchen and most likely the construction of a new interior stair to connect floors. Another alternative considered by the applicant is simply demolishing the interior of the basement unit entirely and leaving the space vacant. They cite the removal of anticipated income and the presence of underutilized space as practical difficulties for the owner.

ii. No Substantial Detriment to the Public Good

Granting the requested relief should not result in a substantial detriment to the public good. The unit in question has existed at this site since approximately 2008. The applicant states that the unit has existed “without any complaints or disruption to the surrounding community” (Ex. 22A, p. 4). The general density of the subject site is not inconsistent with the urban nature of the Columbia Heights neighborhood. Also, light, noise or privacy impacts should be minimal as there would be no additions or alterations to the existing structure. Rather, denying 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. The visual appearance of the front of the building would not change from its current, historic state, as it has appeared for 122 years. Also, the four-unit apartment building would not be out of character with the very urban neighborhood around it, which already includes a number of large apartment buildings along 14th Street and smaller apartment buildings and rowhouse conversions on the interior streets. OP defers to DDOT on transportation issues, but it is not anticipated that the retention of a single unit should impair the local transportation network, especially given the areas rich concentration of transit.

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

Granting the requested relief should not impair the intent of the Regulations. The RF-1 zone anticipates and permits, by special exception, apartment buildings, and the subject property was developed as an apartment building in 1903. The Regulations require that, for an addition to an existing apartment building in the RF-1 zone, , the property must have 900 square feet of land area per dwelling unit. While the property is unable to meet the land area restriction for a four-unit apartment building, no changes to the existing building are proposed. Particularly given that the current owners are not responsible for the addition of a fourth unit, granting the area variance would not significantly impair the integrity of the zoning regulations.

IV. COMMENTS OF OTHER GOVERNMENT AGENCIES

As of this writing the record contains no comments from other government agencies. In an email to OP, DDOT indicated no objection to the application.

V. ANC COMMENTS

As of this writing the record contains no comments from the ANC.

VI. COMMUNITY COMMENTS

As of this writing there are no community comments in the record.

VII. VICINITY MAP

