

BZA Application No. 21319

1332 HARVAR, LLC
1332 Harvard Street, NW
July 23, 2025

Applicant:

1332 HARVAR, LLC
Renee Geesler
Wayne Jordan

Zoning Attorney

Sullivan & Barros, LLP
Alexandra Wilson

Request for Zoning Adjustment
District of Columbia
CASE NO. 21319
EXHIBIT NO. 28

Summary of the Case

- The property is currently improved with a purpose-built apartment building constructed circa 1903, located in the RF-1 Zone.
- It has four units, only three of which are on the C of O. The fourth unit, the basement unit, was never added to the certificate of occupancy, despite undergoing a renovation at the same time as the other three units.
- The new ownership group became aware of this in 2021-22 and began the process to rectify this situation by submitting for permitting to add the fourth unit. All disciplines have signed off on the building permit, except for the Office of the Zoning Administrator, as the Applicant was informed that zoning relief was required to approve the permit.
- While purpose-built apartment buildings are allowed to expand as a matter of right, there has to be 900 square feet of land area per unit. The lot size is 2,543 sq. ft., shy of the 3,600 sq. ft. required for four units. No physical changes proposed, just legalization of the existing fourth unit.
- Accordingly, the Applicant seeks area variance relief from U-301.5(b)
- OP recommends approval.
- ANC 1A voted in support of the application.

The Subject Property



RA-4

Sq. 2854

RF-1

Subject Property
1332 Harvard St., NW

0078
0079
0080
0081
0082
0083
0084

0087 0061 0059 0056 0074 0086



0087

7002
0840
7005

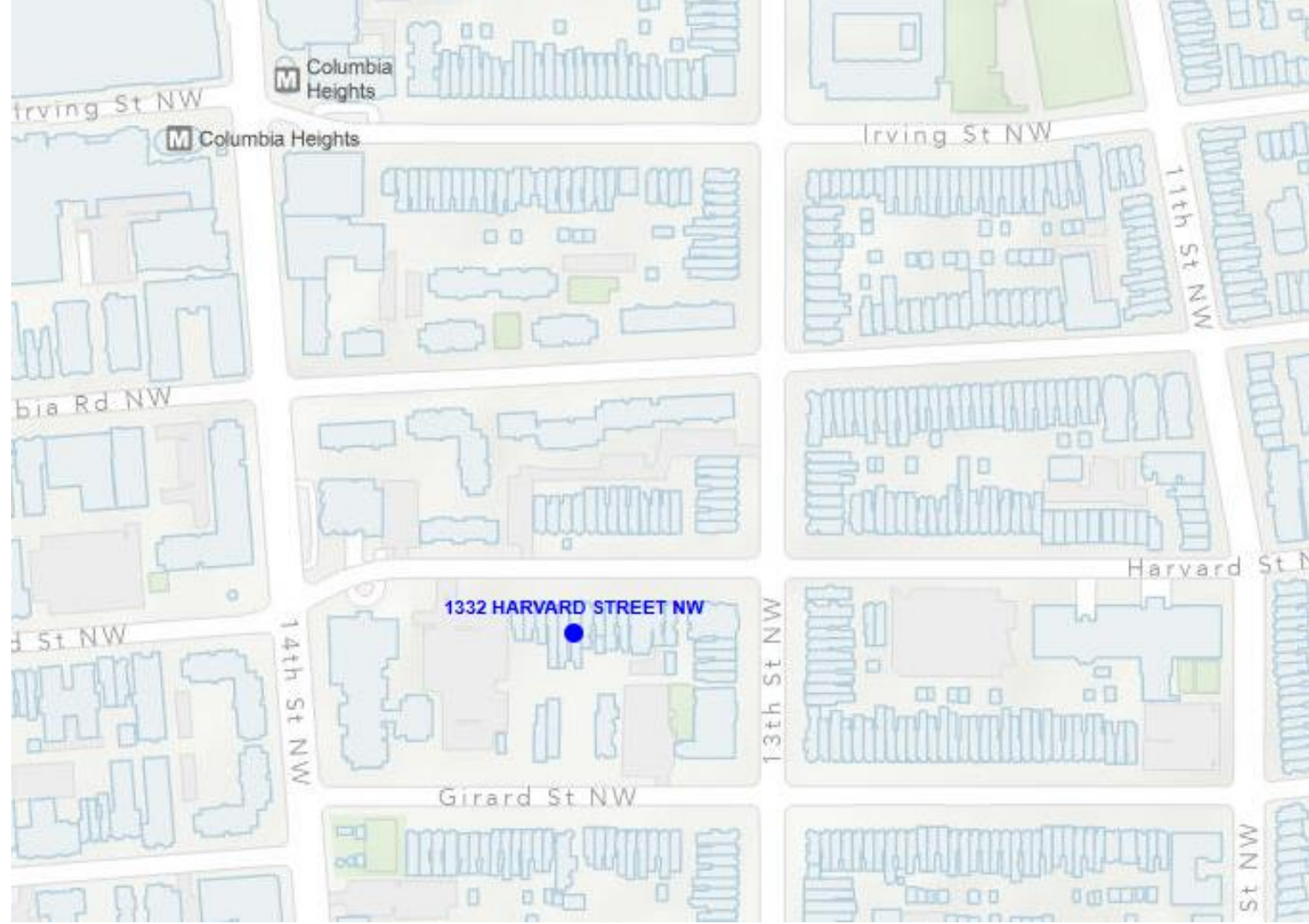
0074 0816 0818 0820 0079 0070

RF-1

0055
0056
0057
0058

RA-4

Sq. 2855





Subject Property
1332 Harvard St., NW

1332 Harvard St NW

1339

1341

2812

1354

th and
Girard
et Park

Gregg's Gardens
Temporarily closed



Subject Property
1332 Harvard St., NW

Variance Test – Exceptional Circumstances

- This unique history can be considered as part of the exceptional circumstances leading to the practical difficulty for purposes of the variance test.
- This is a purpose-built apartment building and the apartment building itself only became non-conforming upon the adoption of the 1958 regulations.
- When the property was purchased in 2008 by a multi-member ownership group, the lower-level unit renovation was already in progress by a former owner. The managing partner of the multi-member ownership group, who held the majority interest, took over the renovation and assured the rest of the owners that all necessary permits for the fourth unit had been obtained.
- Relying on these assurances, the unit was rented for over a decade without incident, and no enforcement actions were ever taken.
- As a result, the other stakeholders—including those in the current ownership group that took over after the managing partner's departure and buyout—had no reason to suspect any issues with the unit.
- After the managing partner's departure in 2020, the new management team assumed control and began routine administrative updates, including efforts to amend the Certificate of Occupancy in 2021–22. It was only then that they discovered the C of O only covered three units.
- In response, Ms. Geesler led a diligent investigation to understand the oversight and seek a remedy. Despite incurring significant costs and working with multiple District agencies, the applicant has secured all necessary approvals for the fourth unit—except for zoning, which remains the final step in the permitting process.

Variance Test – Practical Difficulty

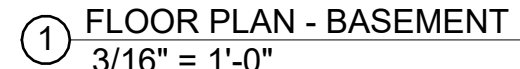
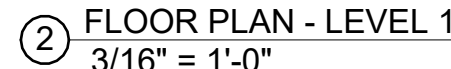
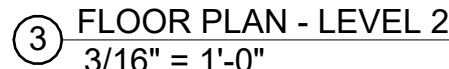
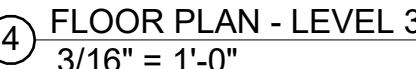
No ability to purchase adjacent land, accordingly, absent relief, the Applicant faces two options: (1) combine the basement unit with the first floor, or (2) demolish the basement unit and leave the space vacant.

- (1) The Applicant has carefully explored both alternatives and determined that each would pose significant financial and operational difficulties. As detailed in the attached preliminary cost analysis, reconfiguring the ground and cellar levels into a single unit would cost approximately \$370,250, excluding soft costs, financing impacts, prolonged vacancy, and disruption to existing tenants. Creating a single unit would require a full gut renovation of two otherwise functional, code-compliant, two-bedroom, two-bath units.
- (1) The alternative - demolishing the fourth unit entirely and leaving the space unoccupied - would still incur substantial cost, result in permanent loss of rental income, and leave a conditioned space vacant and underutilized.

Variance Test – No Harm to Zone Plan nor Public Good

- This case is factually unique, involving no intentional wrongdoing. The current ownership group, inherited a condition they reasonably believed was resolved and only discovered the zoning discrepancy during routine ownership updates in 2022.
- Acting in good faith, the Applicant pursued a resolution—engaging professionals and initiating the zoning relief process voluntarily, with no enforcement action or external pressure involved.
- The 900-square-foot rule under Subtitle U § 301.5(b) is (presumably) intended to regulate density and prevent overcrowding or strain on neighborhood infrastructure, particularly in lower-density residential areas. The property is located in a transit-rich, multi-family context where the additional unit is compatible with surrounding development.
- Enforcing the 900-foot rule strictly here would not serve its intended purpose and would instead remove an existing housing unit at great cost.
- In this case, the additional unit does not increase the building's size, height, or visible footprint, no exterior changes are proposed and it has existed for over a decade without complaint, enforcement, or any negative impact on the surrounding community or infrastructure.

1



Scale $3/16" = 1'$