

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist
JS Joel Lawson, Associate Director Development Review

DATE: August 27, 2025

SUBJECT: BZA Case 21333: Request for use variance relief to use the first floor of an existing building for office use and special exception relief to construct a rear third-story addition for a second residential unit at 409 East Capitol Street SE.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201, Subtitle X § 901, and Subtitle E § 403:

- E § 210.1, Maximum Lot Occupancy (60% required, 48% existing; 70% proposed)

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

- U § 301, Use Permissions – Conversion of the existing approved ground-floor dry cleaner (commercial) to a non-conforming use (office space).

II. LOCATION AND SITE DESCRIPTION

Address:	409 East Capitol Street SE
Applicant:	Sullivan Barros on behalf of Parasol Tree Holdings, LLC
Legal Description:	Square 0817; Lot 0812
Ward / ANC:	Ward 6; ANC 6B
Zone:	RF-1/CAP
Historic Districts	Capitol Hill
Lot Characteristics:	Interior, rectangular lot measuring 1,800 sq. ft. in area
Existing Development:	Two-story building consisting of a commercial use on the first floor and a single residential unit on the second floor. A dry cleaner is the approved commercial use for the ground floor.
Adjacent Properties:	2-story mixed commercial/residential building to the east with similar architectural features as the subject property; 3-story residential building with 2-4 units
Surrounding Neighborhood Character:	Primarily low- to moderate-density residential development

Proposed Development:	Convert the approved ground-floor dry cleaner use to office use which would operate during normal business hours (M-F, 9AM-5PM) and add a 3-story rear addition for a second residential unit.
-----------------------	--

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Density E § 201	2 principal units max.	1 unit	2 units	None Requested
Lot Width E § 202	18 ft. min.	18 ft.	No Change	None Requested
Lot Area E § 202	1,800 sq. ft. min.	1,800 sq. ft.	No Change	None requested
Height E § 203	35 ft. max.	22 ft. 1 ¼ in.	29 ft. 6 in.	None requested
Rear Yard E § 207	20 ft. min.	43 ft.	30 ft.	None Requested
Lot Occupancy E § 210	60% max.	48%	70%	Special Exception Relief Requested
Parking C § 701	Residential (flat) - 1 per 2 principal dwelling units	N/A	N/A	None Requested (Exempt per C § 702.4(a))
	Office - 0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft.	N/A	N/A	None requested
Use Permissions (RF-1) U § 301	Office use not permitted (nonconforming use)	Dry cleaner (Approved non- conforming use)	Office use on the ground floor (Interior design studio)	Use Variance Relief Requested

IV. OP ANALYSIS

Subtitle E § 403 SPECIAL EXCEPTION REVIEW STANDARDS IN RF-1/CAP ZONE

403.1 In reviewing an application for a special exception in the RF-1/CAP zone, in addition to the applicable criteria of this subtitle and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;*
- (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and*

(c) In accordance with the plan promulgated under the Act.

The application was referred to the Architect of the Capitol, however, no comments have been filed in the record at the filing of OP's report.

403.2 Upon receipt of the application, the Board of Zoning Adjustment shall refer the application to:

(a) The Architect of the Capitol for review and report; and

(b) The Office of Planning for review, report, and impact assessment along with coordination of reviews in writing of all relevant District departments and agencies including:

(1) The District Department of Transportation;

(2) The Department of Housing and Community Development; and

(3) The Historic Preservation Office if the application involves a historic district or historic landmark.

The Office of Zoning referred the application to all relevant agencies.

403.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

No special treatment is recommended in this case.

Subtitle E Chapter 5201 SPECIAL EXCEPTION REVIEW STANDARDS

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

*(a) **Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;***

The applicant has requested relief from the maximum lot occupancy requirement of the RF-1/CAP zone to allow 70%.

(b) Yards, including alley centerline setback;

(c) Courts; and

(d) Pervious surface.

5201.2 & 5201.3 not relevant to this application

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed expansion of the existing building requires relief from the maximum 60% lot occupancy requirement. The applicant has provided a solar study in [Exhibit 19B](#) that

shows the projected impacts of the proposed construction on neighboring properties throughout the year. When compared to matter-of-right construction, the proposed construction appears to produce a minimal increase in shadow coverage on the adjacent properties. The subject property would continue to exceed the minimum 20-foot rear yard requirement and be under the building height permitted in the zone; therefore, light and air for the neighboring properties should not be unduly affected.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed addition would not include windows on the side walls. As there would be no direct views into the adjacent buildings and rear yards, the proposal should not have a significantly greater impact on the neighbors' privacy than what could be developed by-right.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The proposed expansion would be designed and set back far enough from the front façade to not be visible from the street, and the property does not have rear alley access. It is unclear what building materials the applicant proposes for the third floor, but since the addition would not be visible from the public right-of-way, it is unlikely to intrude upon the character or pattern of houses along the street.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant provided plans, photographs, elevations and sun studies to sufficiently represent the relationship of the proposed addition to adjacent properties from public vantage points.

- 5201.5 *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

- 5201.6 *This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The proposed height, rear yard and number of units would comply with the RF-1/CAP development standards. The requested lot occupancy relief is within that is allowed by special exception in the RF-1 zone.

Subtitle X Section 1002 USE VARIANCE REVIEW STANDARDS

- 1000.1 *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) Exceptional Situation Resulting in a Practical Difficulty;

According to the applicant, converting the ground-floor space to a zoning-compliant use would result in an unnecessary economic hardship. The ground floor has long been legally used and configured for commercial purposes with prior permit approval since the 1950s, creating exceptional difficulty to reconfigure the space for residential use. The previous owner of the property leased the ground-floor space to the current tenant without obtaining the proper approval for the non-conforming office use. As such, denial of the variance would result in the displacement of the existing commercial tenant on the ground floor, which would be burdensome to the current property owner and tenant.

(b) No Substantial Detriment to the Public Good; and

OP finds that the requested zoning relief to allow the office use on the ground floor would not be detrimental to the public good. The requested office use should not result in an increase in intensity of use, number of clients and customers, or demand for parking. The requested variance would not result in the displacement of existing tenants or significant alterations to the exterior of the building when viewed from the street, which preserves the character of the surrounding neighborhood.

(c) No Substantial Harm to the Zoning Regulations.

The RF-1 zone is to provide for areas predominantly developed with residential row buildings with no more than two principal dwelling units. The non-residential use and building configuration have been in place for many years. Although an office is not listed as a matter-of-right or special exception use in the RF-1 zone (other than as a home occupation), the zone does allow for limited compatible non-residential uses, and the requested office use should be compatible with the surrounding development and residential uses. Office uses should generate similar or less customer traffic when compared to the approved dry cleaner use. As such, granting the requested relief would not substantially impair the intent of the Regulations.

V. ARCHITECT OF THE CAPITOL

The Architect of the Capitol has not provided comments at the filing of this report.

VI. OTHER DISTRICT AGENCIES

The Historic Preservation Office within OP notes that this proposal has been reviewed by the Historic Preservation Review Board (HPRB) and was approved in July 2025.

DDOT has reviewed the BZA case and has indicated to OP that they have no objection to the approval of the application.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, there are no comments from ANC 6B in the record.

VIII. COMMUNITY COMMENTS

There is one letter in opposition at Exhibit 23.

LOCATION MAP

