

BZA Application No. 21333

409 East Capitol Street, SE
September 10, 2025



Applicant

Parasol Tree Holdings, LLC
Tony Jia

Project Architect

Brian Forehand

Board of Zoning Adjustment
District of Columbia

Zoning Attorney

Martin Sullivan
CASE NO. 21333
EXHIBIT NO. 36

Overview and Requested Relief

- The property contains a two-story building with a commercial use on the first floor and a residential dwelling unit on the second floor. The first floor has operated commercially for over 75 years, most recently as office space for Sanabria & Co., an interior design firm. Previously, it was a dry-cleaning drop-off facility. The prior owner of the Subject Property changed the use from dry-cleaning drop-off to office space without obtaining the necessary approvals.
- When the applicant began investigating the property for the proposed project, they were informed that the office use was not compliant with zoning regulations and that a use variance would be required.
- Through the current BZA application, the applicant seeks to correct this unauthorized change and bring the property into compliance. Specifically, the applicant is requesting a use variance under Subtitle U § 301 to permit conversion from one nonconforming use (dry cleaner) to another (office). While the 1958 Zoning Regulations allowed such changes via special exception, the 2016 rewrite removed the applicable language, leaving variance relief as the only available path.
- The Applicant is also proposing to construct a rear third-story addition to the Building, which will add a second residential unit. The proposed Addition will increase the lot occupancy to 70%, exceeding the maximum permitted lot occupancy of 60% in the RF-1/CAP zone, requiring special exception relief from E-210.

Community & Agency Support

- The Office of Planning recommends approval.
- ANC 6B voted unanimously in support of the use variance and 6-2-0 to oppose the special exception.
- ANC 6C – adjacent ANC across East Capital Street - unanimously voted to support the Application.
- The Architect of the Capitol submitted a report with no objection.

General Special Exception Criteria

The Board of Zoning Adjustment is authorized to grant special exceptions, 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; (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The project preserves the property's long-standing mixed-use character, adds needed residential space, and respects the scale and historic fabric of the Capitol Hill Historic District. The addition does not extend more than 10 feet past either adjacent buildings' furthest rear walls.

Special Exception Criteria of E-5201

5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically: (a)The light and air available to neighboring properties shall not be unduly affected;

The proposed addition is only 10 feet past the furthest rear wall of the building at 411 East Capitol St, and aligns with the furthest rear wall of the building at 405 East Capitol St.

Proposed rear yard setback is 30 feet.

Shadow study clearly shows slight impact – not undue impact.

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

No windows on the sides of the proposed addition. The small roof deck proposed is closer to the front of the building and does not have views into neighboring yards.

(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;

Sight line drawing shows no view of the addition from East Capitol Street. Rear Yard of 30 feet. Max height of 29.5 feet. Enjoys support from CHRS for HPRB, from Architect of the Capitol, and approval from HPO staff (consent agenda item for HPRB).

Special Exception Criteria of E-403

The Architect of the Capitol submitted a report stating no objection to the application.

E-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 proposal maintains the property's long-standing commercial ground-floor use and complements the surrounding mix of residential and small-scale commercial properties. The third-story rear addition is stepped back from the front façade, remains well below the 35-foot height limit, and is designed to match the scale and character of nearby buildings, ensuring compatibility with the existing neighborhood fabric.

The project supports the Master Plan's goals for the Capitol Grounds and related areas by preserving the historic street façade, retaining a neighborhood-serving business, and contributing to the area's architectural rhythm and human scale. The continued mixed-use character enhances neighborhood vitality while respecting the Capitol Hill Historic District.

The project preserves historic character while allowing compatible growth through the addition of a residential unit. It avoids over-intensification, adds housing, and supports a local business, all while maintaining the economic vitality and historic integrity envisioned by the Plan.

Variance Test

Exceptional Condition

- The Property is unique due to its long history of ground-floor commercial use, originally a dry-cleaner, with Certificates of Occupancy dating back to the 1950s. Under prior ownership, the space was converted to office use without the proper approvals. The building itself was constructed for commercial purposes, with a street-level entrance and large bay window not suited for residential conversion. Prior to 2016, this would have been a special exception for a change from one nonconforming use to another. This Regulation was gutted – we suspect unintentionally - with the effect of making the current section regarding changes from one NC use to another meaningless and un-usable.

Undue Hardship

- A strict application of the zoning regulations would create undue hardship. The first floor cannot reasonably be converted to residential use without substantial reconstruction, which is both cost-prohibitive and inconsistent with the building's historic design.

No Harm to Public Good or the Zone Plan

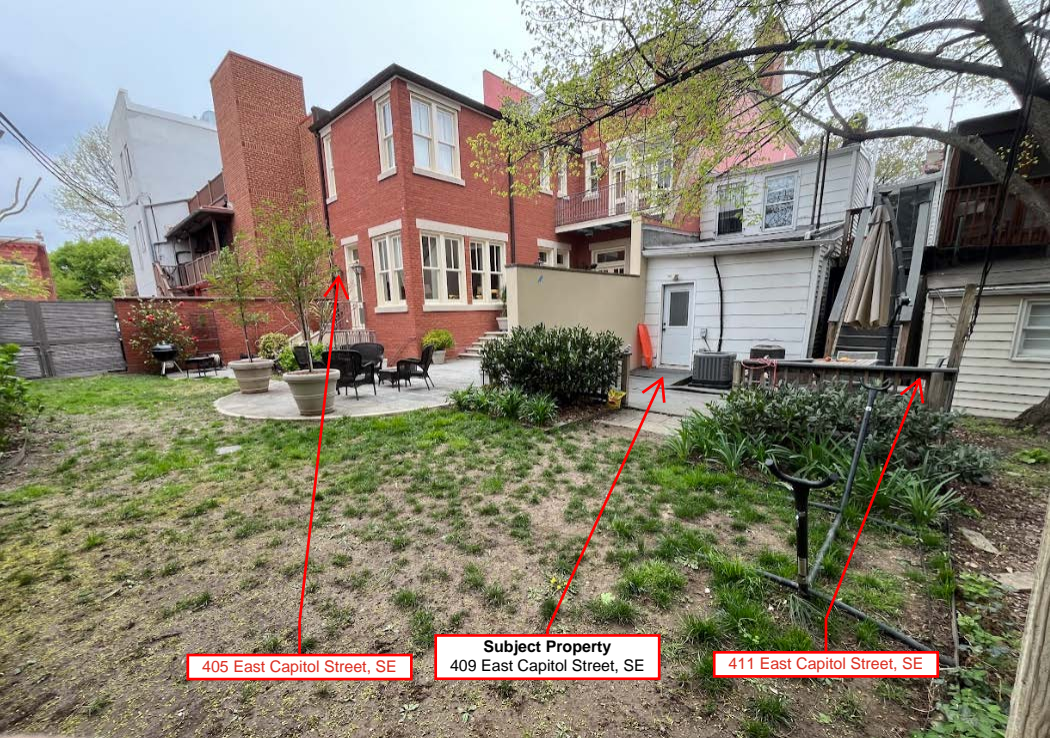
- Granting the use variance will not harm the public good or the zone plan. The office use is less intense than the historically approved dry-cleaner use, and the property fits within a residentially-zoned block where several neighboring properties also have established ground-floor commercial uses. Relief will bring the building into compliance while supporting a local business and maintaining neighborhood stability.



409 E Capitol St SE

405

Subject Property
409 East Capitol Street, SE



405 East Capitol Street, SE

Subject Property
409 East Capitol Street, SE

411 East Capitol Street, SE



Subject Property
409 East Capitol Street, SE



409 E Capitol Street SE

409 EAST CAPITOL STREET SE

PRELIMINARY BZA REVIEW SET

PROJECT DESCRIPTION

THIS PROJECT IS FOR THE REAR ADDITION TO AN EXISTING BUILDING LOCATED AT 409 EAST CAPITOL STREET IN THE DISTRICT OF COLUMBIA. THE EXISTING BUILDING CONTAINS A SMALL BUSINESS AT THE GROUND FLOOR LEVEL AND A RESIDENTIAL UNIT AT THE SECOND FLOOR LEVEL.

THE PROJECT IS LOCATED IN RF-1/CAP, WHICH ALLOWS UP TO TWO (2) DWELLING UNITS, RESIDENTIAL LOT OCCUPANCY OF 60%, AND UP TO 3-STORIES OR 35' IN HEIGHT BY RIGHT.

THE PROJECT IS LOCATED IN THE CAPITOL HILL HISTORIC DISTRICT.

RELIEF IS SOUGHT FOR THE LOT OCCUPANCY TO ALLOW 70% (AN INCREASE OF 10%).

PROPERTY INFORMATION

ADDRESS: 409 EAST CAPITOL STREET SE, WASHINGTON, DC 20003
SQUARE: 0812
LOT: 0817
ZONE: RF-1/CAP

RESIDENTIAL NET SQUARE FOOTAGE: 753 SF (52.5%)
COMMERCIAL NEW SQUARE FOOTAGE: 682 SF (47.5%)

GROSS SQUARE FOOTAGE
FIRST FLOOR: 873 SF
SECOND FLOOR: 723 SF
TOTAL: 1596 SF

EAST CAPITOL STREET

4TH STREET SE

5TH STREET SE

409 E CAPITOL ST SE



A STREET SE

BLOCK PLAN

scale = 1:500
2

SQUARE 0812

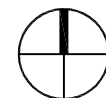
NO ALLEY(S) EXIST IN THIS BLOCK;
ALL LOTS ARE CONTIGUOUS

Extracted from Online Zoning Information
published by the District of Columbia Office
of Zoning, DCGIS, and Office of the Chief
Technology Officer (OCTO)

Exported on: 6 /7/2022

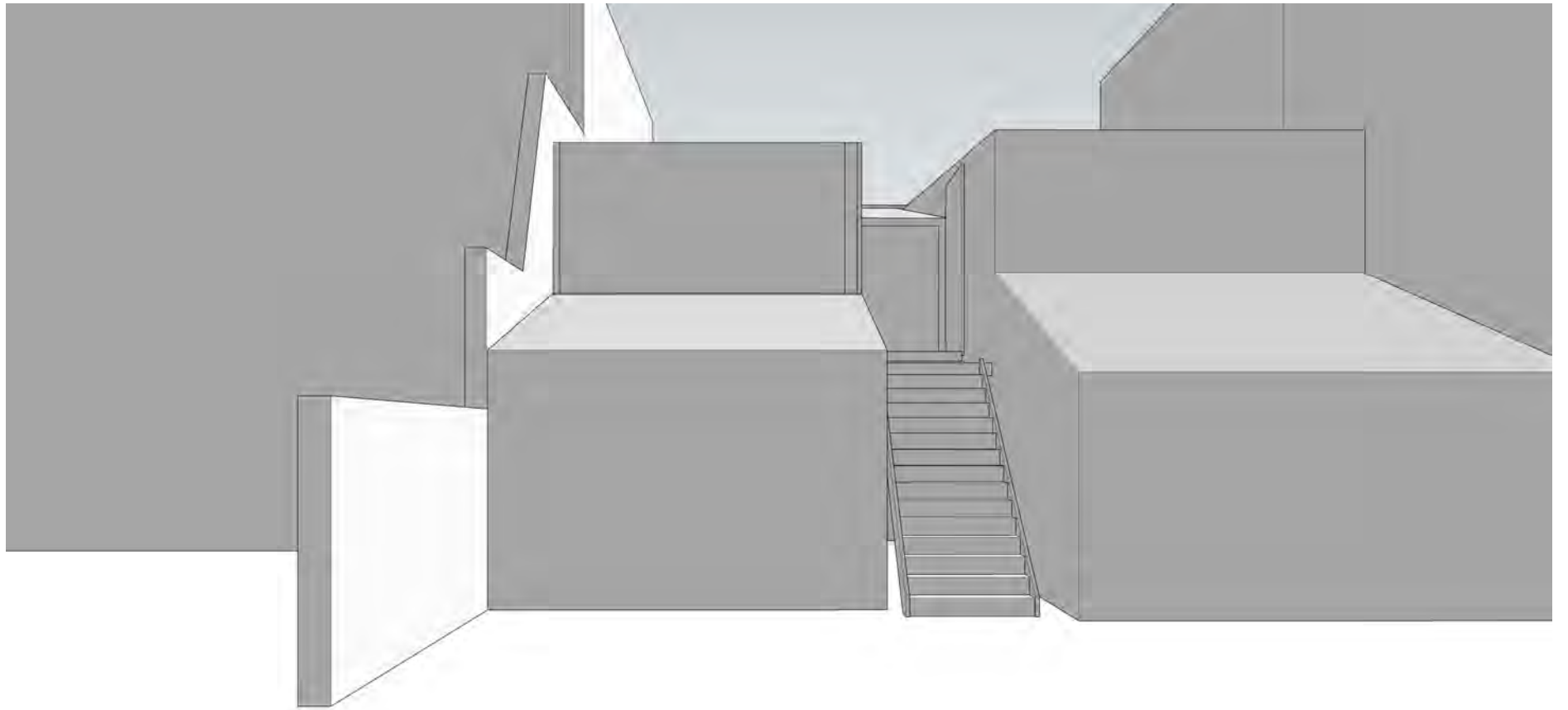
409 E Capitol Street SE

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5 May 2025



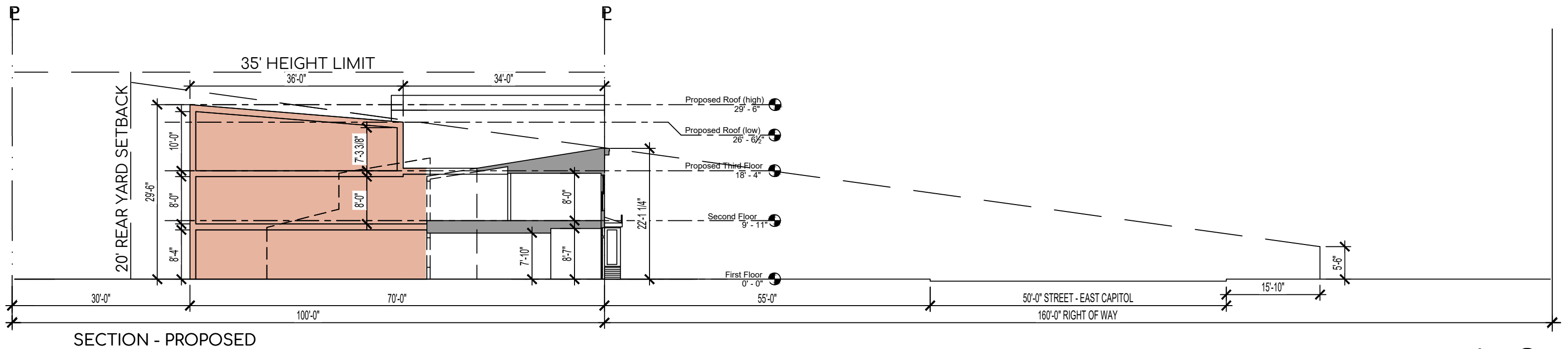
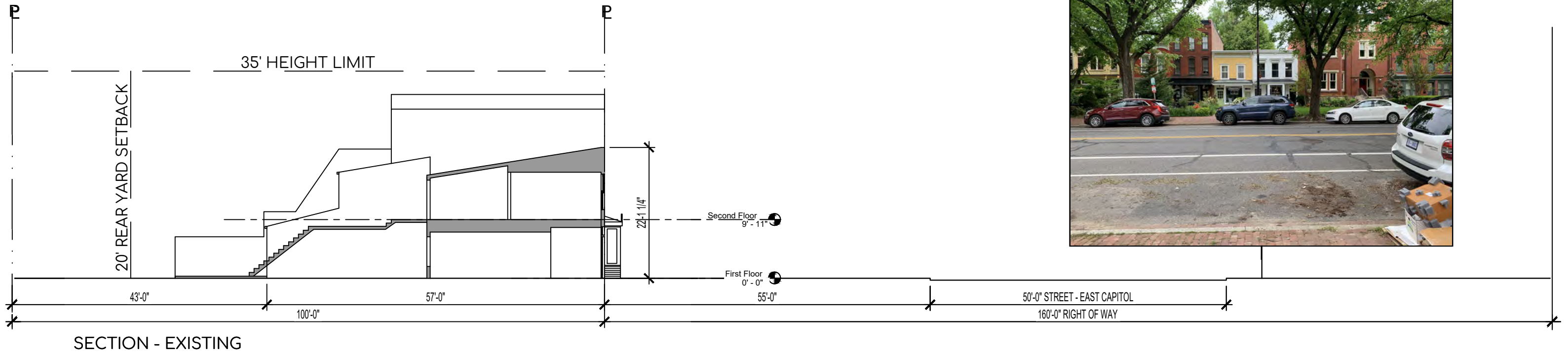
409 E Capitol Street SE

REAR FACADE + MASSING

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16 April 2025



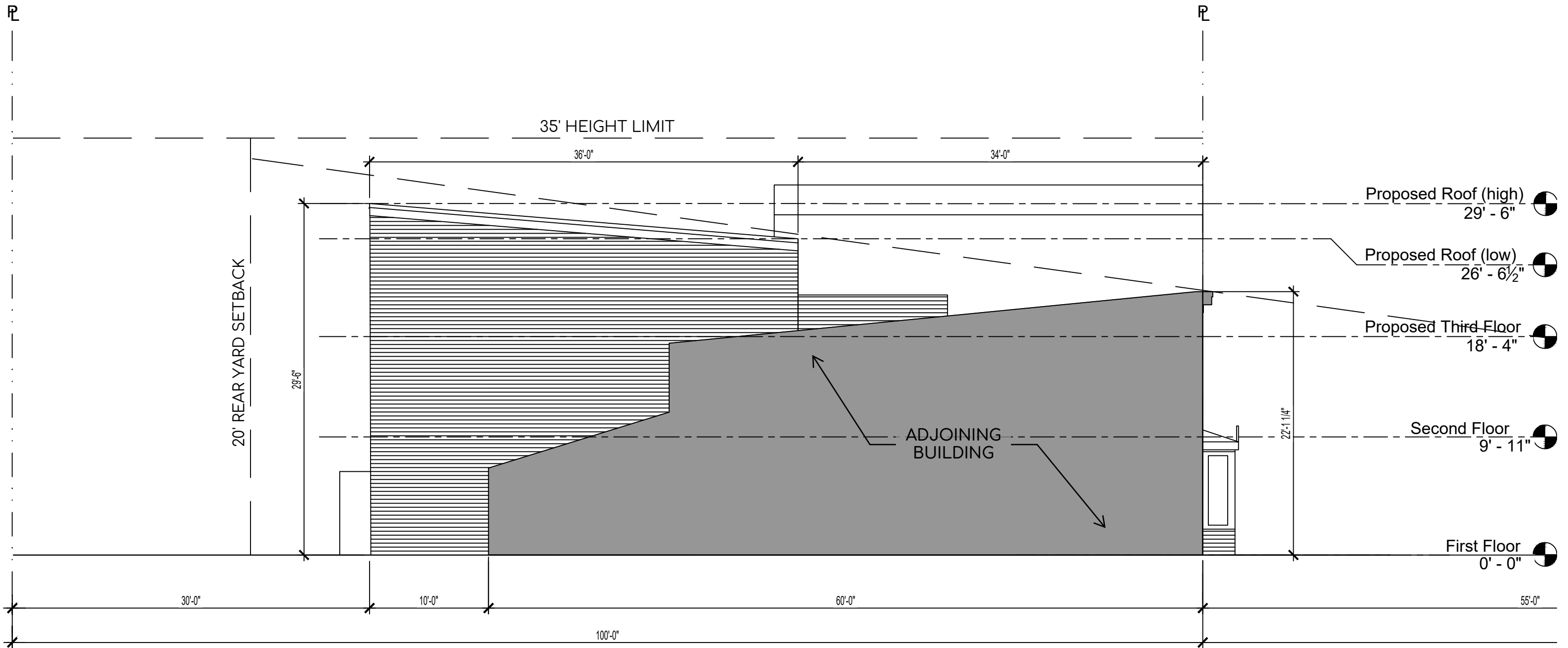
409 E Capitol Street SE

SECTION THROUGH SITE

1/16" = 1'-0"
12

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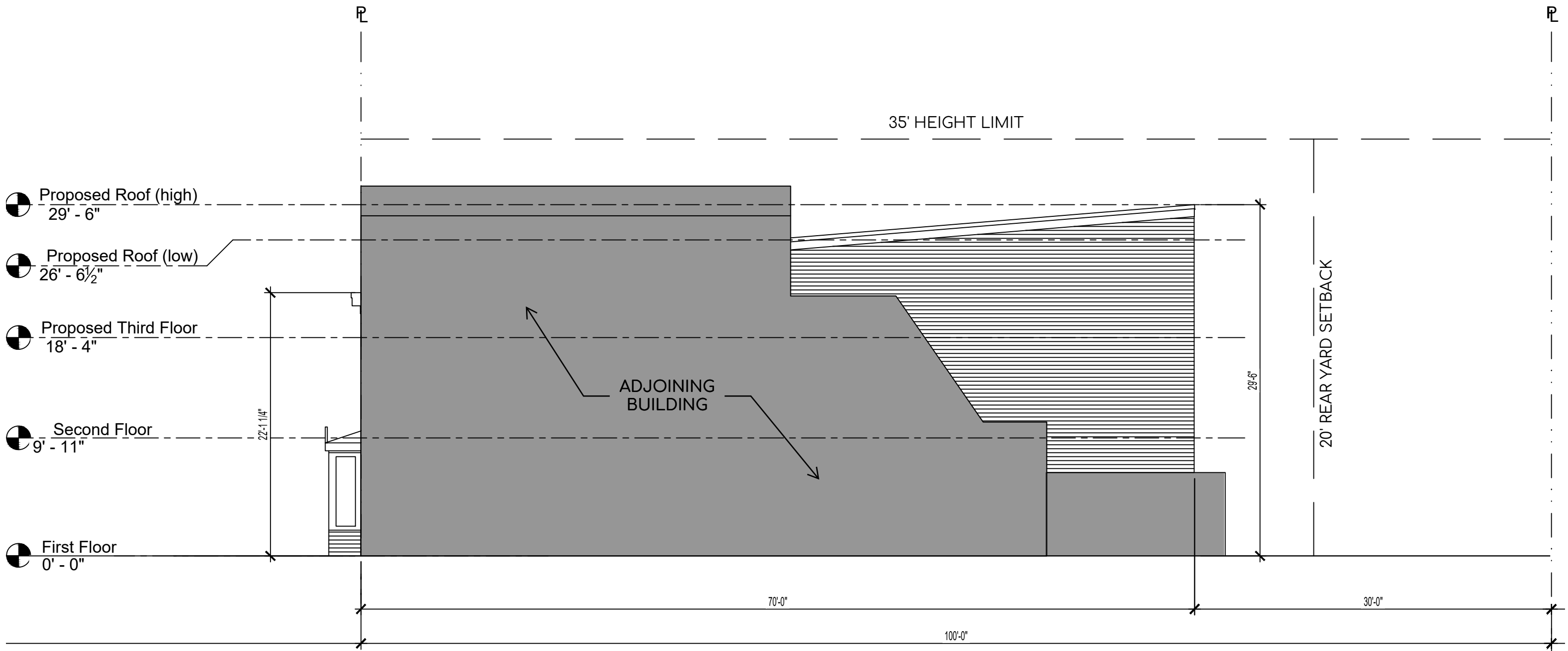
2 July 2025



409 E Capitol Street SE

EAST ELEVATION - PROPOSED

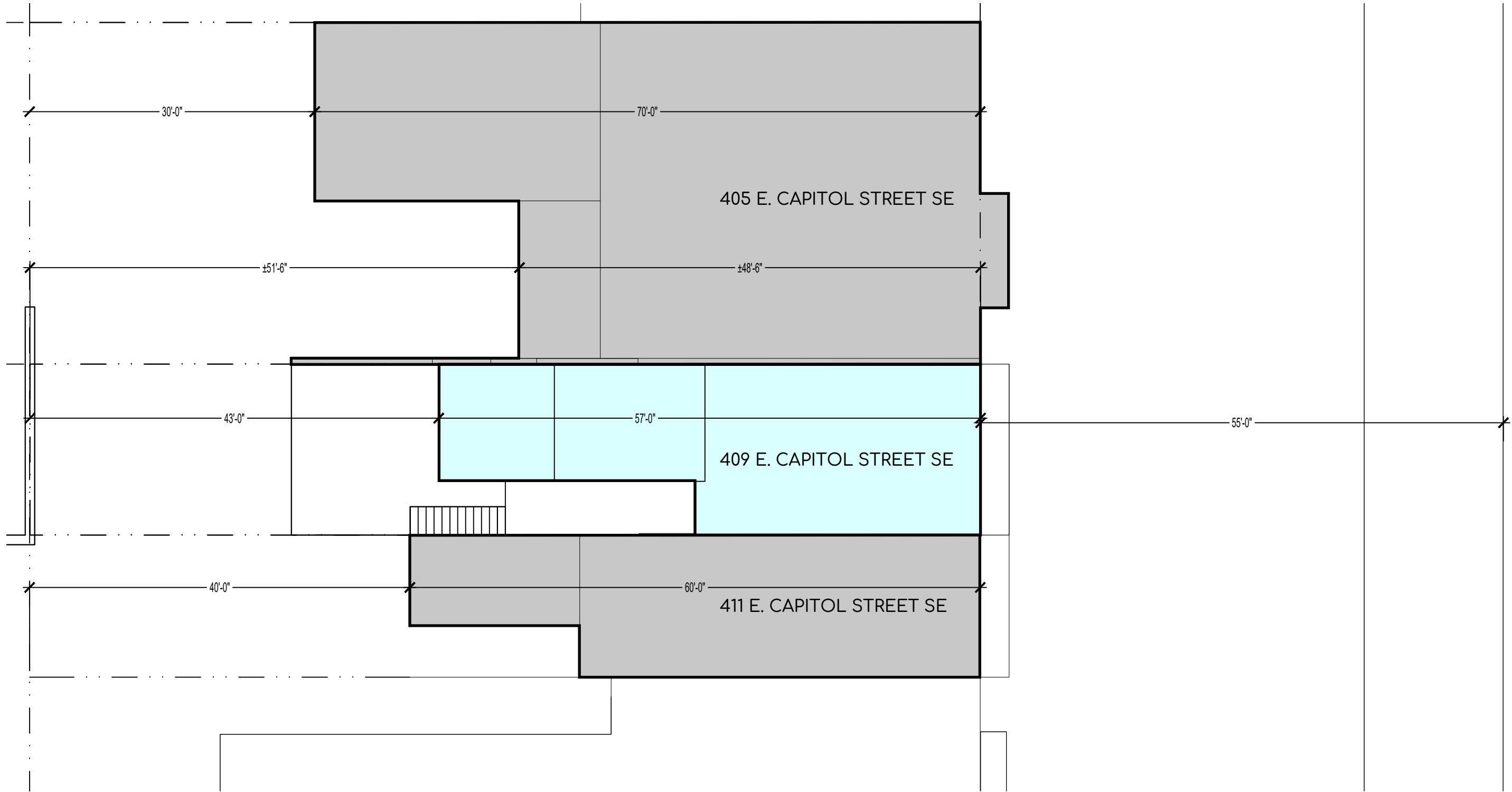
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409 E Capitol Street SE

WEST ELEVATION - PROPOSED

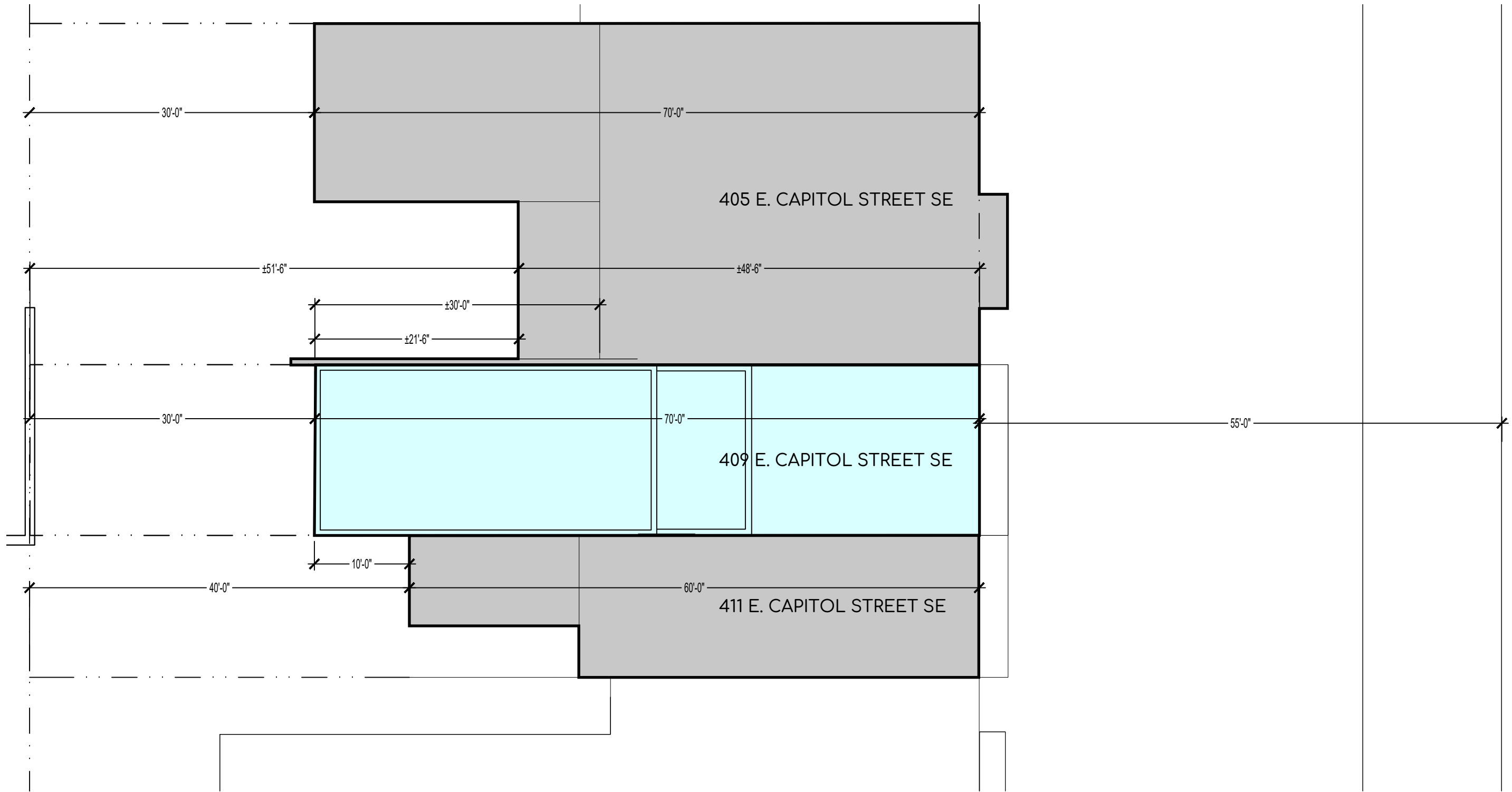
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409 E Capitol Street SE

SITE PLAN - EXISTING
SCALE: 3/32"=1'-0"





409 E Capitol Street SE



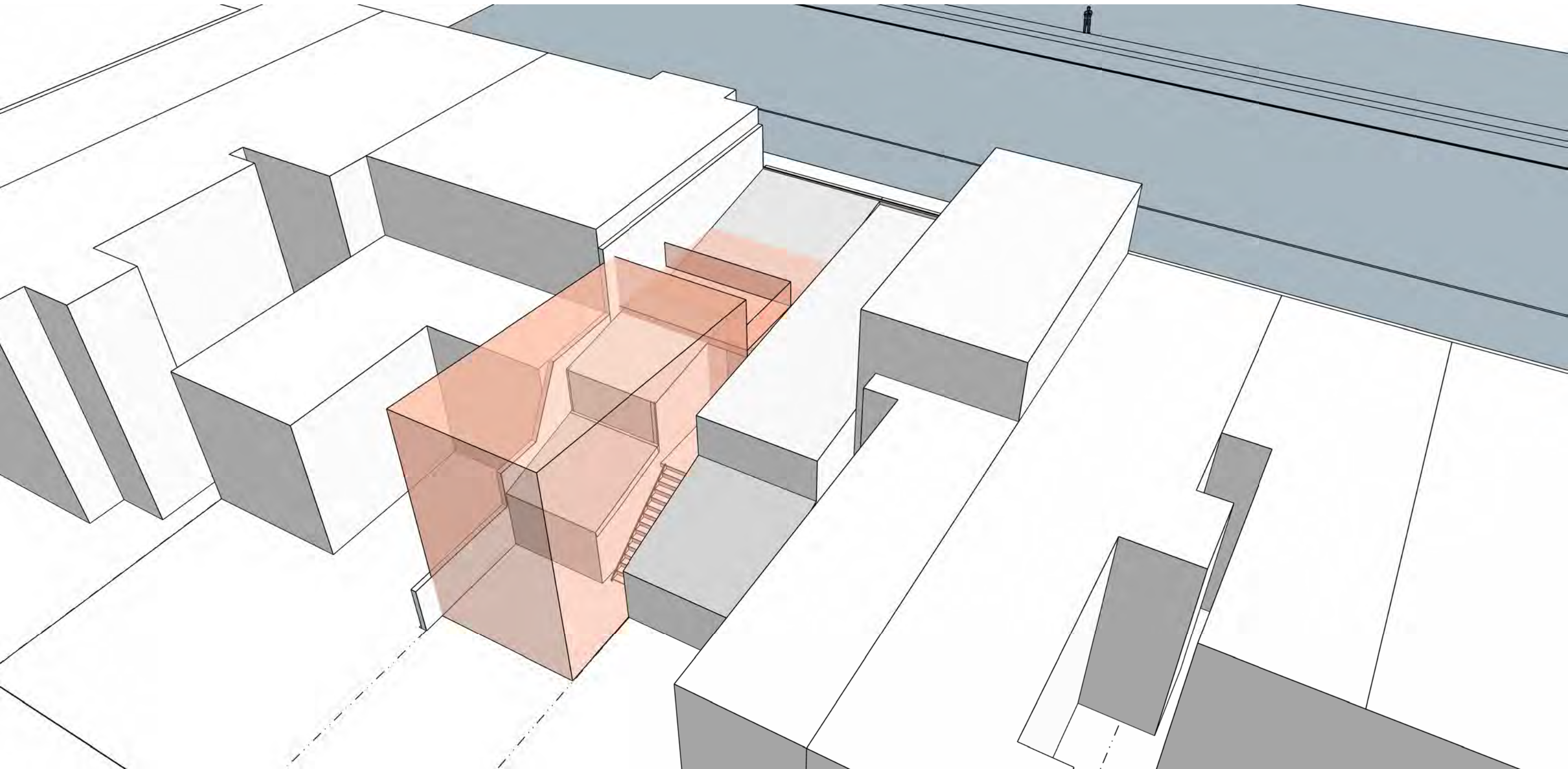


409 E Capitol Street SE

PROPOSED ADDITION + MASSING
BIRDSEYE VIEW AT FRONT

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16 April 2025



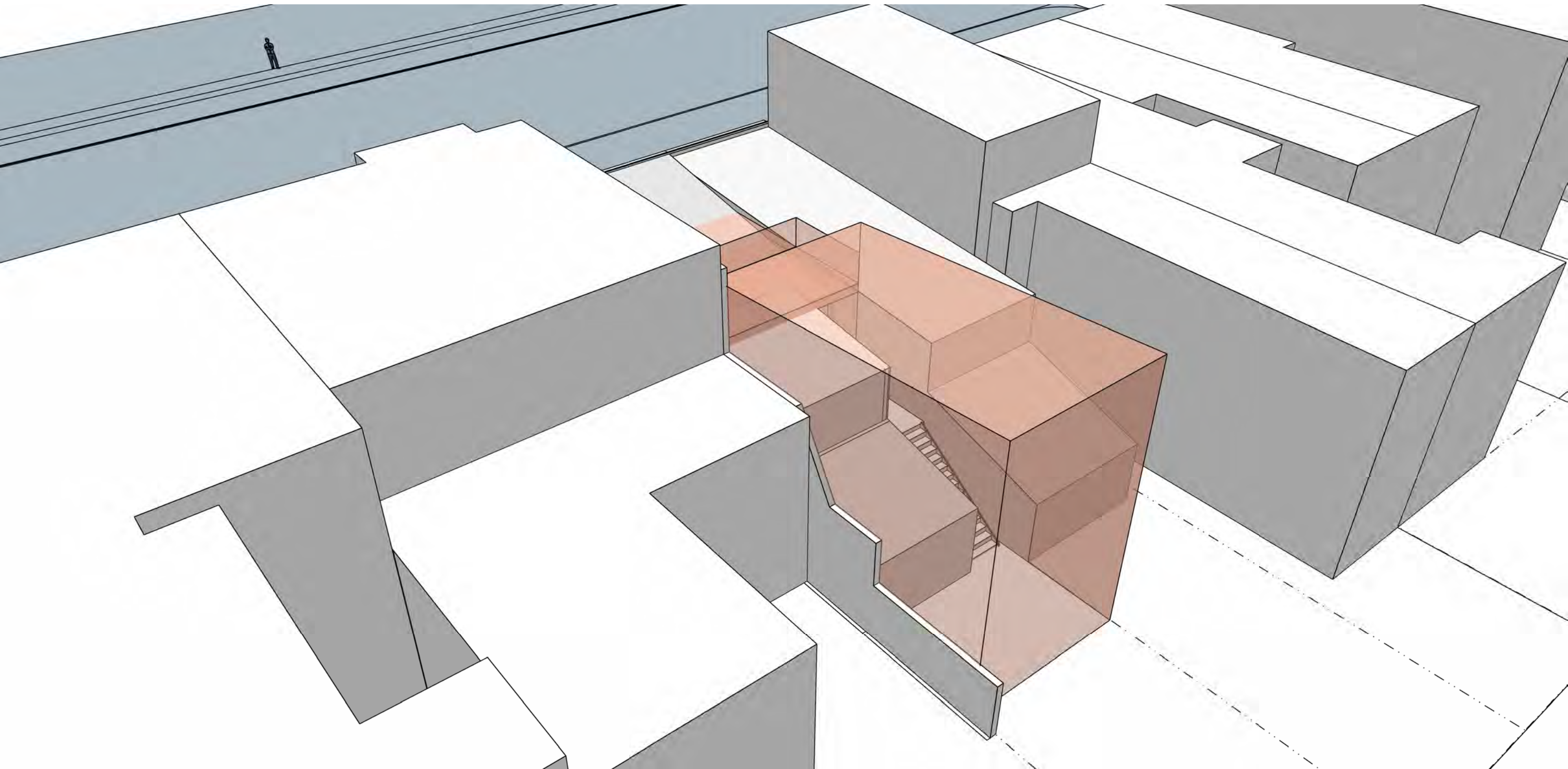
409 E Capitol Street SE

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PROPOSED ADDITION + MASSING
BIRDSEYE VIEW AT REAR

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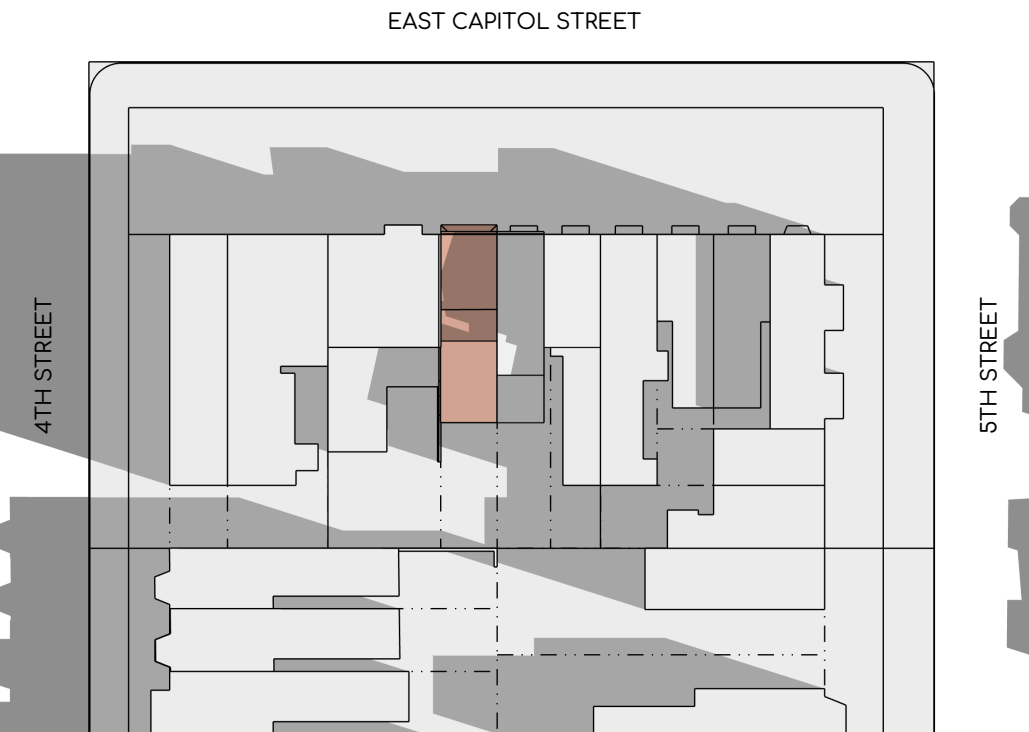
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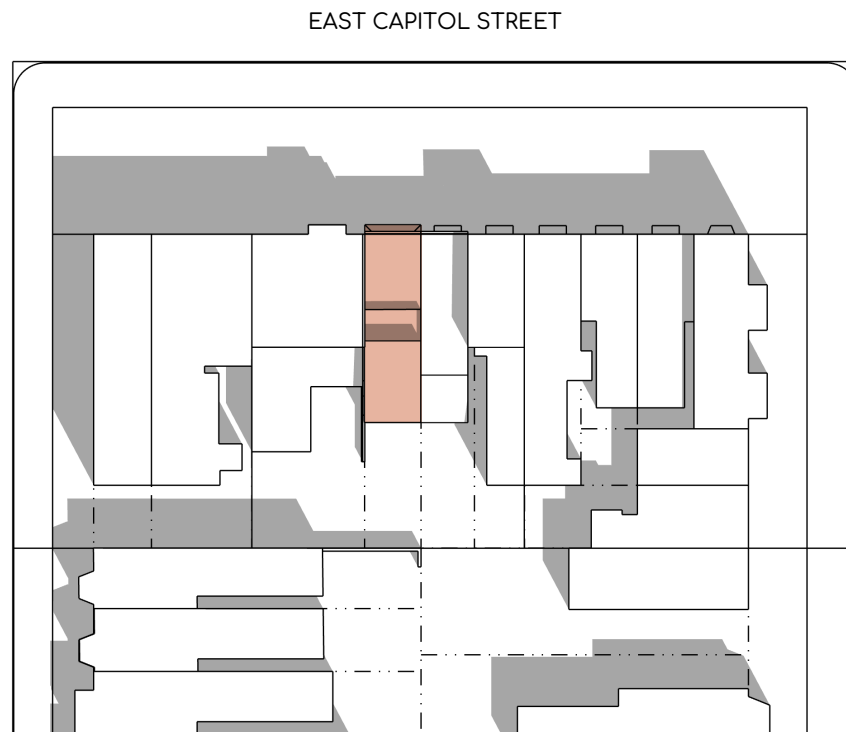
PROPOSED ADDITION + MASSING
BIRDSEYE VIEW AT REAR

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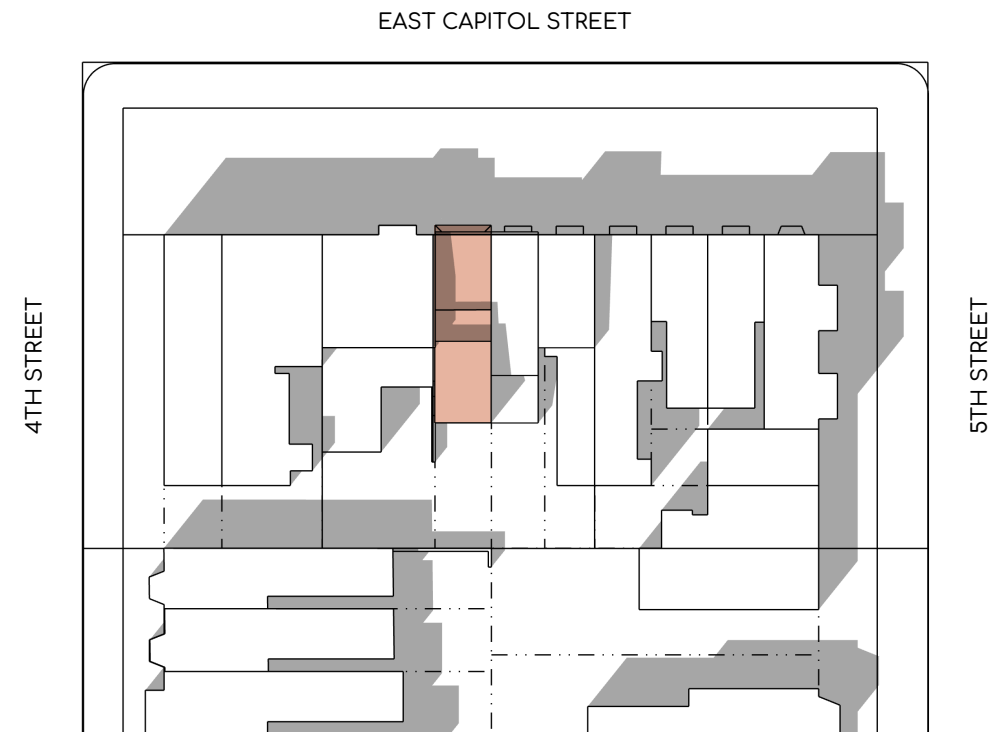
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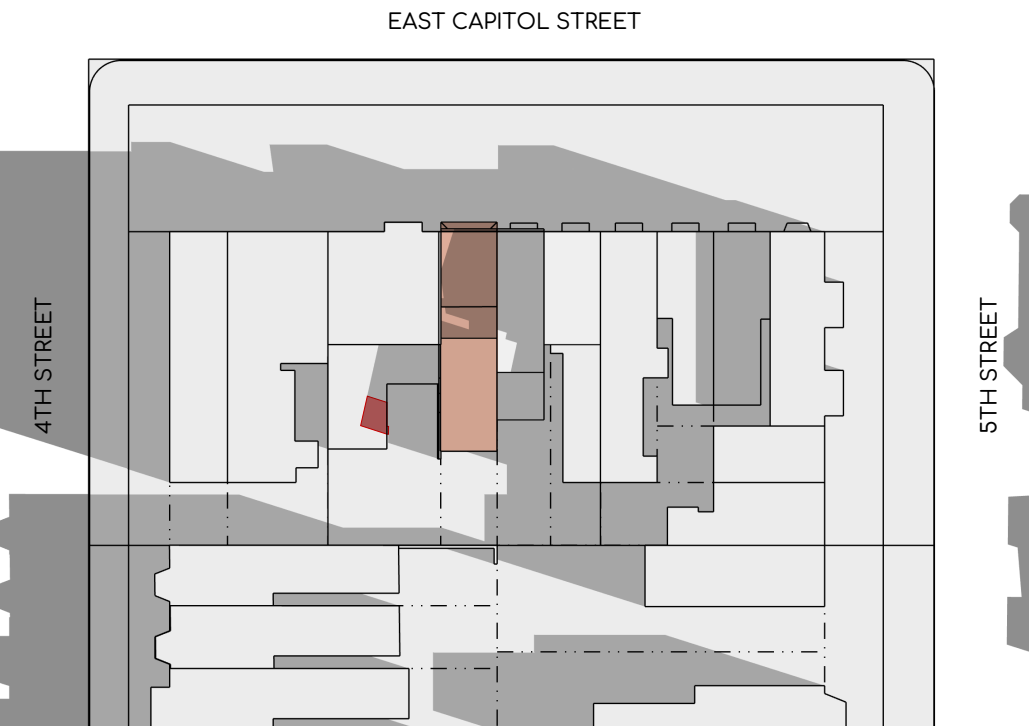
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12 NOON - MATTER OF RIGHT



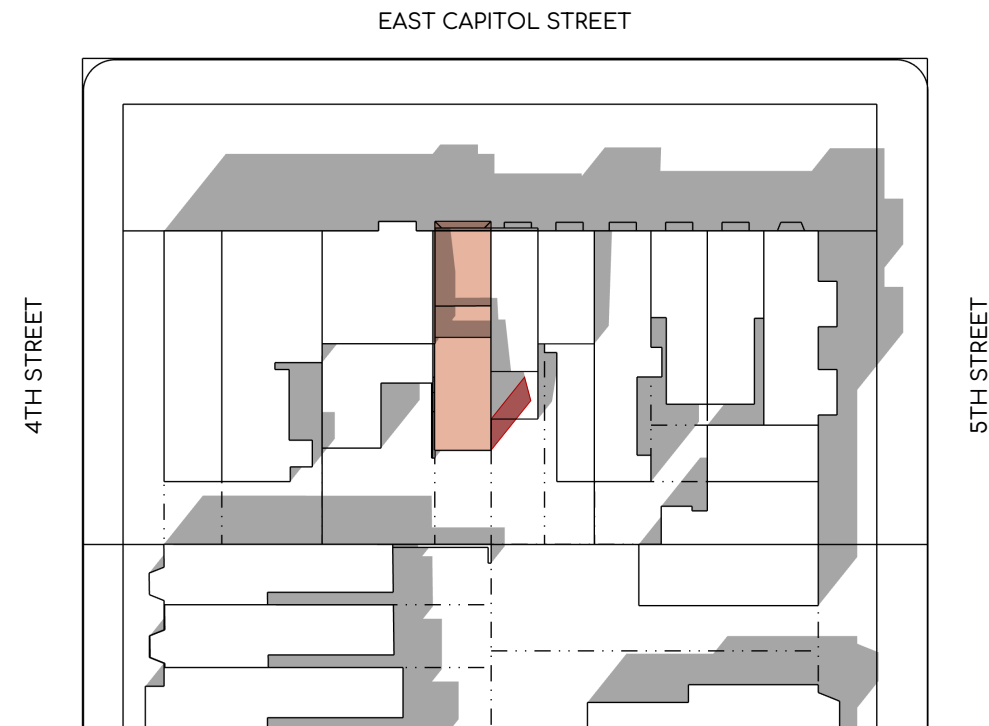
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9 AM - PROPOSED



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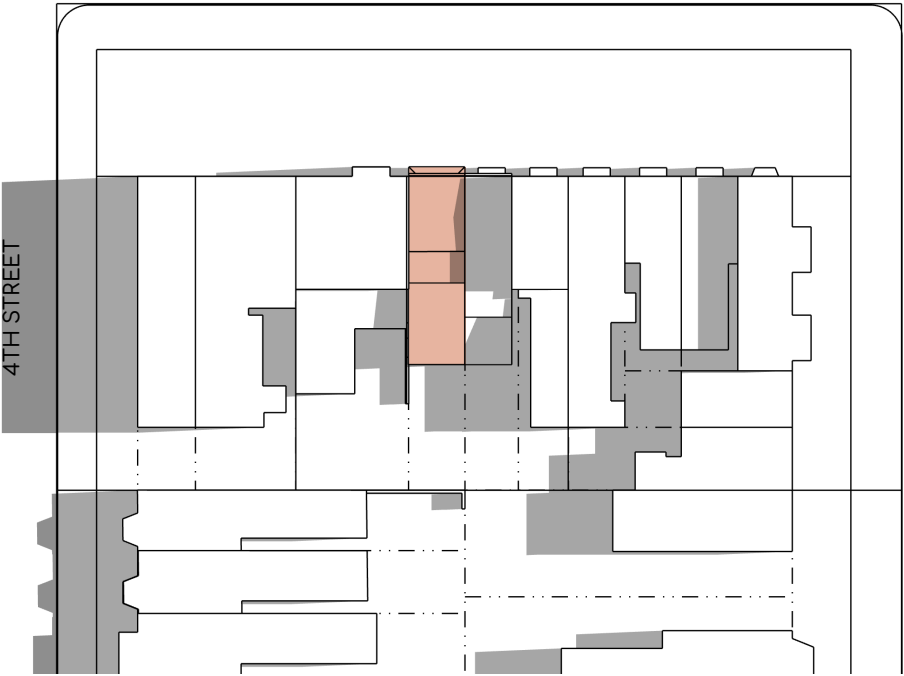


3 PM - PROPOSED

409 E Capitol Street SE

SHADOW STUDIES - VERNAL/AUTUMNAL EQUINOX

EAST CAPITOL STREET



5TH STREET

4TH STREET

9 AM - MATTER OF RIGHT

EAST CAPITOL STREET

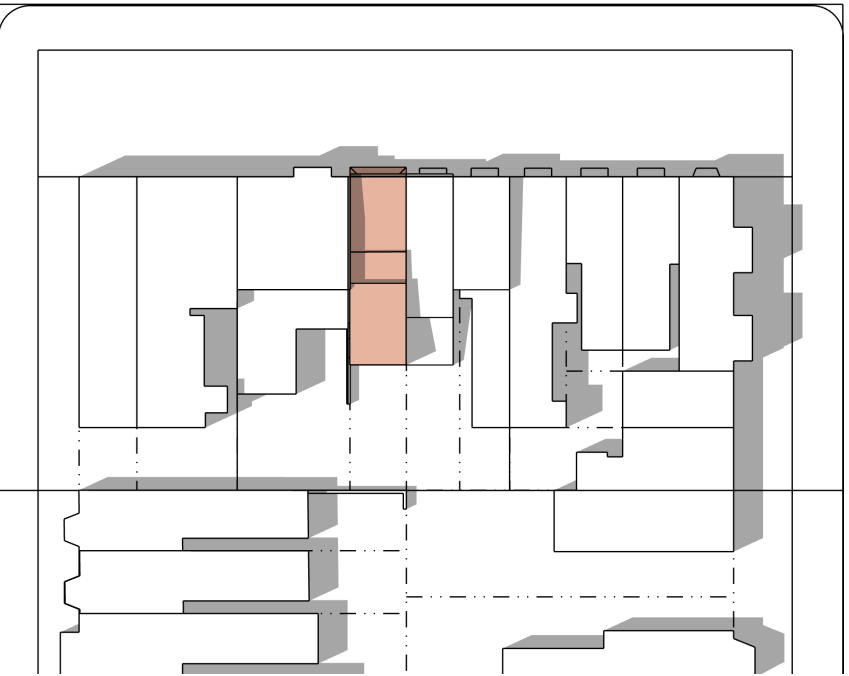


5TH STREET

4TH STREET

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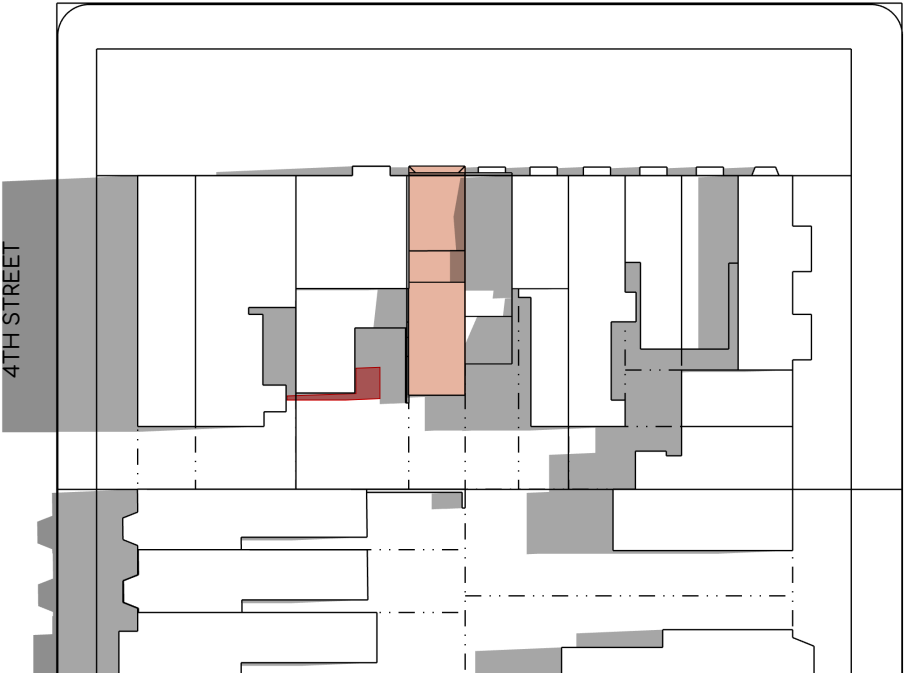
EAST CAPITOL STREET



5TH STREET

3 PM - MATTER OF RIGHT

EAST CAPITOL STREET



5TH STREET

4TH STREET

9 AM - PROPOSED

EAST CAPITOL STREET

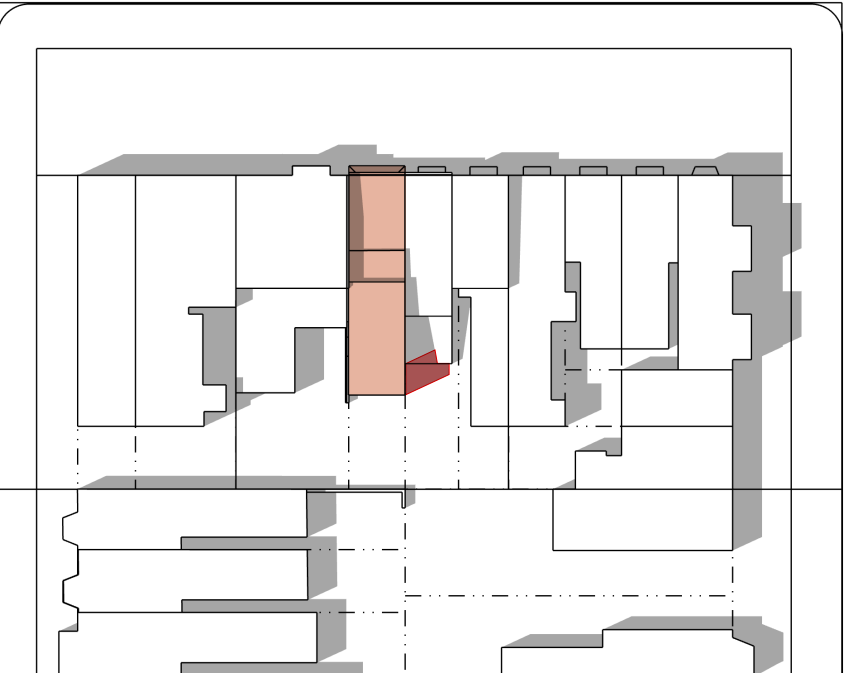


5TH STREET

4TH STREET

12 NOON - PROPOSED

EAST CAPITOL STREET

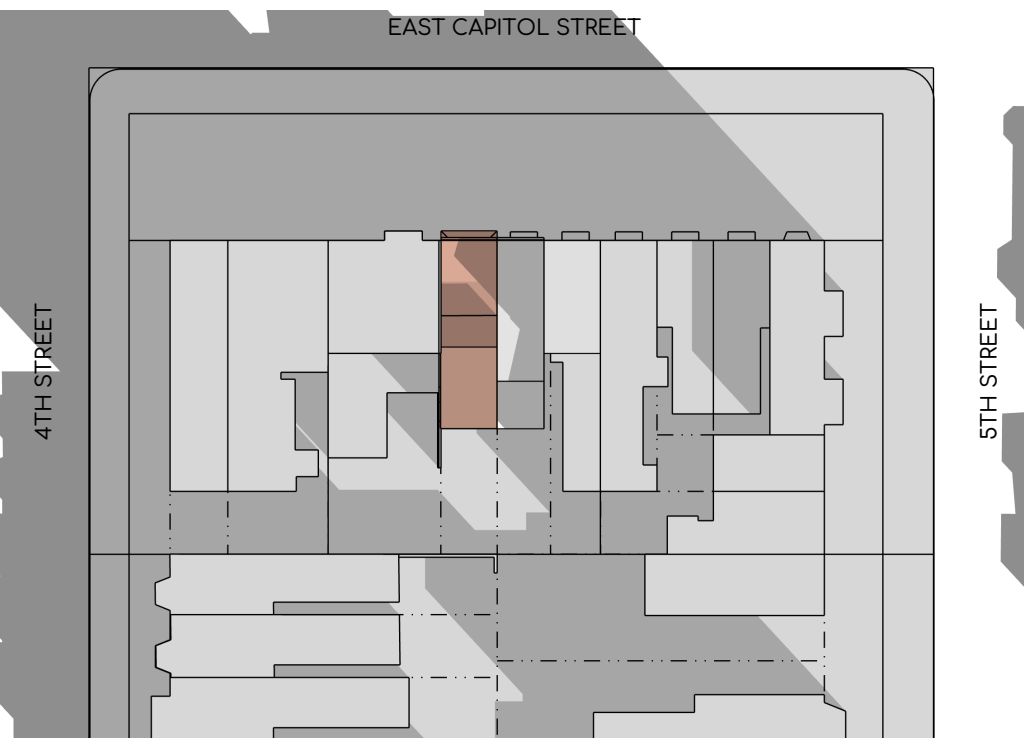


5TH STREET

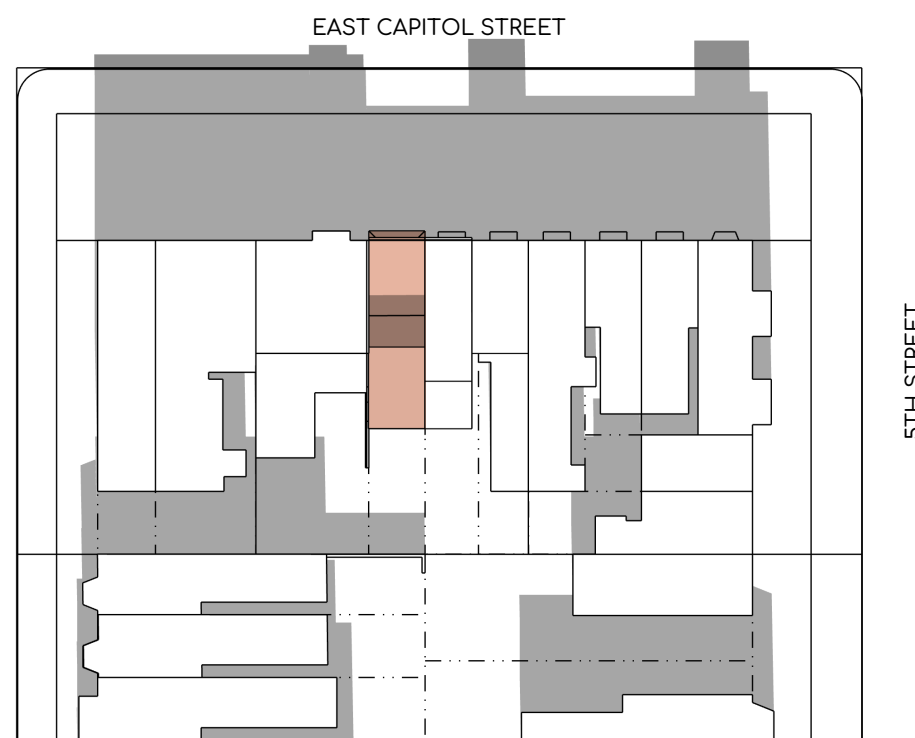
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409 E Capitol Street SE

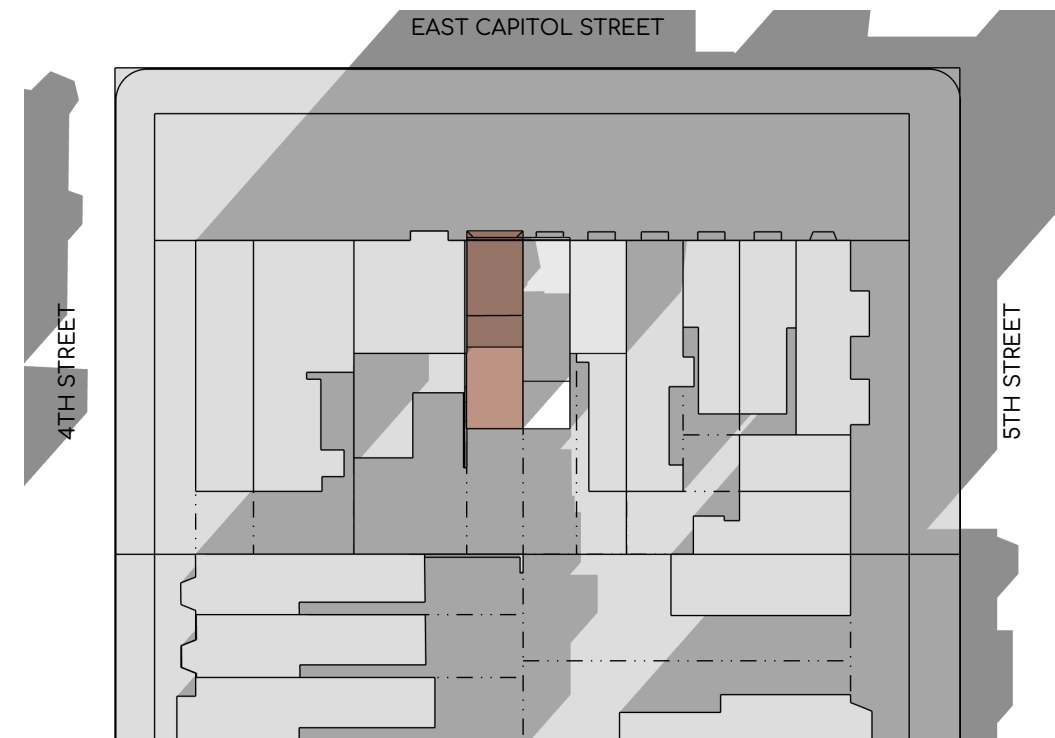
SHADOW STUDIES - SUMMER SOLSTICE



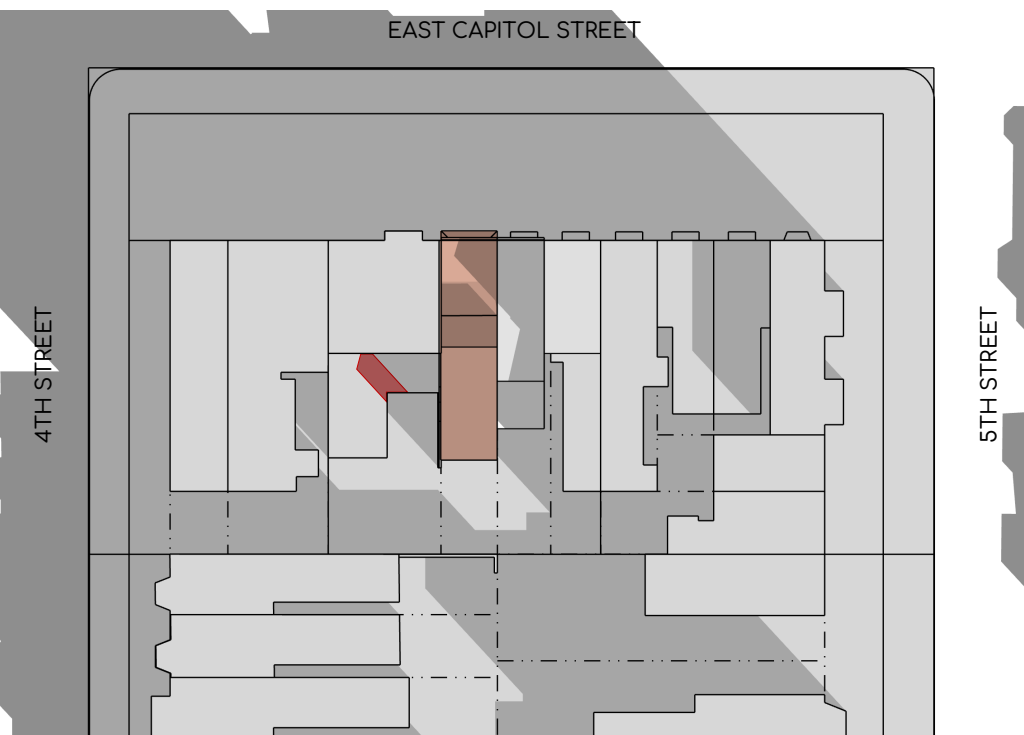
9 AM - MATTER OF RIGHT



12 NOON - MATTER OF RIGHT



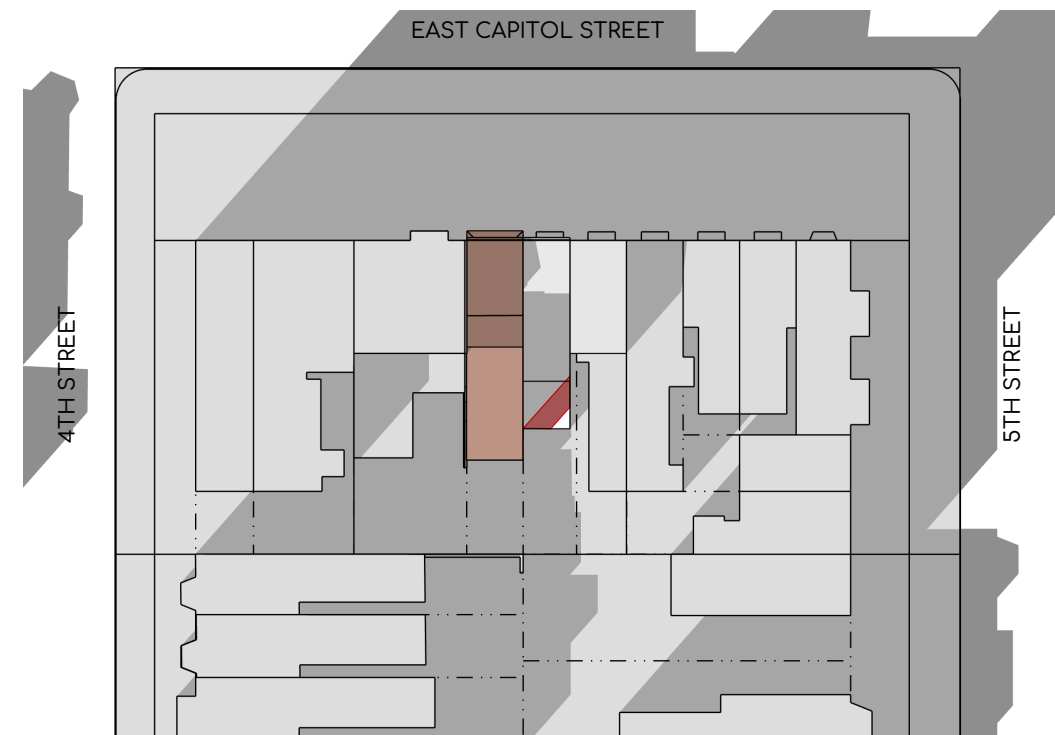
3 PM - MATTER OF RIGHT



9 AM - PROPOSED



12 NOON - PROPOSED



3 PM - PROPOSED