GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 21361 of Moshood Olayinka, as amended, pursuant to 11 DCMR Subtitle X § 901, for special exceptions under Subtitle E § 207.5 to allow a rear addition extending the rear wall of an existing semi-detached building farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building and under Subtitle U § 320.2 to allow the conversion of an existing residential building to a four-unit apartment house use at an existing two-story semi-detached principal dwelling, with third-story and three-story rear additions, in the RF-1 zone at 1253 Morse Street, NE (Square 4069, Lot 58).[1]

HEARING DATES: October 29 and December 10, 2025, February 25, 2026

DECISION DATE: February 25, 2026

PROPOSED DECISION AND ORDER

This self-certified application was filed on July 1, 2025 by Moshood Olayinka (the "Applicant"), the owner of the property that is the subject of this application. Following a public hearing, the Board voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and of the public hearing by letters dated August 7, 2025 to the Applicant, the Office of Planning ("OP"), the District Department of

[1] This caption has been modified to reflect that the Applicant amended the application. As originally filed, the application included a request for a special exception from the side yard requirements under Subtitle E § 208.3 as well as a special exception under Subtitle U § 320.2 to allow the conversion of an existing residential building to a four-unit apartment house (see Exhibits 7, 13). The Applicant initially amended the application to add a special exception under Subtitle E § 207.5 to allow a rear addition extending the rear wall of an existing semi-detached building farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building (see Exhibit 18B). After revising the project, the Applicant amended the application to withdraw the request for a special exception under Subtitle E § 5201 from the side yard requirements of Subtitle E § 208.3 (see Exhibit 46).

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Transportation, the Department of Buildings, Advisory Neighborhood Commission ("ANC") 5D, the ANC in which the subject property is located, and Single Member District 5D03, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 5 as well as the Chairman and the at-large members of the D.C. Council, and the owners of all properties within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on August 22, 2025 (72 DCR 009174).

Party Status. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 5D were automatically parties in this proceeding. The Board granted requests for party status in opposition to the application from Natalie Martinez and Andrew Karay (Exhibits 21, 21A, 21B) and from Dawn Boutelle (Exhibits 22, 22A), who own and live in dwellings in the 1200 block of Morse Street N.E. near the subject property.

Applicant's Case. The Applicant presented evidence and testimony in support of the application, including from Adam Carballo, the architect of record, and Shima Safinia, a design associate on the project. The application requested the zoning relief needed to allow the expansion of an existing two-story semi-detached principal dwelling and its conversion to a four-unit apartment house use.

OP Report. By memorandum dated October 17, 2025, the Office of Planning recommended approval of the application subject to a condition that the trash and recycling area must be enclosed with a privacy fence. (Exhibit 25.)

ANC Report. By report dated December 3, 2025, ANC 5D stated that, at a regularly scheduled meeting on November 18, 2025, with a quorum present, the ANC voted to oppose the application. (Exhibits 53, 54.)

Parties in opposition. The parties in opposition argued that the application did not meet the requirements for the requested zoning relief and that approval of the Applicant's proposal would adversely affect the use and enjoyment of the neighboring properties, especially with respect to light, air, and privacy. (Exhibits 36, 37, 61.)

Persons in support. The Board received letters from persons in support of the application, including from some residents living near the subject property.

Persons in opposition. The Board received letters in opposition to the application from persons living near the subject property. The persons in opposition generally stated their objection to the Applicant's proposal due to the potential adverse impacts on neighboring properties with respect to light, air, privacy, parking, visual intrusion, and the cumulative impacts of similar projects.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot located on the south side of Morse Street NE between Montello Avenue NE and Trinidad Avenue NE, with the address 1253 Morse Street, NE (Square 4069, Lot 58).

2. The subject property is rectangular, 25 feet wide and approximately 145 feet deep. The lot area is approximately 3,633 square feet. (Exhibits 2, 46.)

3. The subject property is improved with a semi-detached building formerly used as a principal dwelling. (Exhibit 75B.)

4. The existing building has two stories (and a cellar) and is approximately 24.83 feet in height. The building is set back approximately 12 feet from the front lot line and extends approximately 59 feet, including an existing one-story rear addition that is 10 feet deep. The resulting rear yard is approximately 74.33 feet deep. (Exhibits 46, 75A.)

5. The existing dwelling has a side yard measuring approximately 7.41 feet on the west side. (Exhibit 46.)

6. The existing lot occupancy is 28 percent. (Exhibit 46.)

7. The existing building has a rear door and two windows facing the rear yard on the first floor. The second floor of the rear façade contains two larger windows. (Exhibit 75A.)

8. The west façade of the existing building provides windows on both the first and second levels. (Exhibit 75A.)

9. The Applicant proposed to enlarge the existing building for use as four apartments. The cellar, first, second, and new third floors will each be configured as one dwelling unit. (Exhibit 75B.)

10. As proposed, the first-floor unit will be an Inclusionary Zoning ("IZ") unit subject to the requirements of Subtitle C, Chapter 10 (Inclusionary Zoning). (Exhibit 75B.)

11. The Applicant proposed to enlarge the existing building with a new third floor as well as a three-story rear addition. As a result of the new construction, the building will be three stories and approximately 35 feet in height. (Exhibit 46.)

12. The addition will extend the depth of the existing building to approximately 69 feet, reducing the rear yard to approximately 64.33 feet. Lot occupancy will increase to approximately 35 percent. (Exhibits 46, 75A.)

13. The new addition will provide a side yard of five feet on the west side. (Exhibit 46.)

14. The west façade will contain three windows on each of the upper floors (first through third). The project will include two new exterior stairs on the west side of the Applicant's lot to provide access from both the front and rear of the subject property to a new door at the cellar level with access to the cellar unit. The cellar door will be flanked by two windows.

15. The addition will not have any windows or other openings on the east façade, along the property line shared with the abutting lot. (Exhibits 75A, 75B.)

16. The south façade of the rear addition, facing the rear yard of the subject property, will contain one window on each level of the first, second, and third floors. The south façade of the cellar level will contain a below-grade window well providing an egress window. (Exhibit 75A.)

17. A public alley 20 feet wide extends east-west across the interior of Square 4069, abutting the rear (south) lot lines of the subject property and other lots fronting on Morse Street NE. (Exhibit 2.)

18. The Applicant will provide two vehicle parking spaces at the rear of the lot. The parking spaces will be accessible from the abutting alley through a roll-up door installed along the rear lot line. (Exhibit 75A.)

19. The Applicant will install an enclosure for the storage of trash and recyclable materials at the rear of the lot to the east of the parking spaces. The enclosure will be accessible from the abutting alley. (Exhibit 75A.)

20. The Applicant will install solid privacy fences in the rear yard along both side lot lines. (Exhibits 75A, 75B.)

21. The lot abutting the subject property to the west (Lot 57, 1251 Morse Street NE) contains a three-story row building. The building on Lot 57 was formerly a two-story semi-detached building with a side yard along the property line in common with the Applicant's lot. The building was recently enlarged with a new third floor as well as side and rear additions, and was converted to use as a three-unit apartment house. See Application No. 20906 (KIPU; December 11, 2023) (Board approved special exceptions under Subtitle E § 5201 from requirements for side yard and the width and area of a closed court, under Subtitle E § 205.5 to allow a rear wall to extend farther than 10 feet beyond the rear wall of a principal residential building on an adjacent property, a row dwelling to the west, under Subtitle E § 206.4 to allow modification of a rooftop architectural element, and under Subtitle U § 320.2 to permit the conversion of the existing residential building to a three-unit apartment house).

22. The rear wall of the enlarged building on Lot 57 extends approximately 15 feet further into the rear yard beyond the rear wall of the Applicant's existing building. The Applicant's addition will extend approximately five feet less than the rear wall of the building on Lot 57. (Exhibits 75A, 75B.)

23. The center of the east façade of the building on Lot 57 contains a closed court, measuring approximately six feet wide and 10 feet deep and extending vertically 35 feet, that functions as a lightwell (and not as an egress). On each floor, the court contains a window on each of its three sides, including windows that directly face the Applicant's property to the east.

The east façade of the building on Lot 57 does not contain any other windows. (Exhibits 49, 59, 67, 75A.)

24. The south (rear) façade of the building on Lot 57 contains balconies approximately 8 feet deep on the first, second, and third floors. (Exhibits 49, 75B.)

25. The abutting property (Lot 59, 1255 Morse Street NE) to the east of the subject property contains a two-story semi-detached dwelling that is similar to the Applicant's existing building. The two buildings are attached, although their rear walls do not align.

26. The rear addition to the Applicant's building will extend its rear wall 20 feet beyond the rear wall of the adjoining dwelling on Lot 59. (Exhibit 75A.)

27. Other properties in the immediate vicinity of the subject property contain principal dwellings in two- or three-story attached or semi-detached buildings. The Board previously approved several applications for zoning relief to allow the conversion of existing residential buildings to three-unit apartment house use in the 1100 block of Morse Street N.E.[2]

[2] Several of the applications concerned properties on the south side of Morse Street in Square 4070, immediately to the northwest of Square 4069. See Application No. 20279 (HJB Properties LLC; October 3, 2020), 1121 Morse Street N.E. (Lot 138); Application No. 20143 (Grand Realty LLC; August 16, 2021), 1117 Morse Street N.E. (Lot 136); and Application No. 19657 (Mala Mahmood; August 30, 2018), 1135 Morse Street N.E. (Lot 145). Another involved a property on the north side of Morse Street in Square 4065; that is, Application No. 21220 (327 Upshur, LLC, October14, 2025), 1154 Morse Street, N.E, (Lot 814).

28. The area surrounding the subject property is residential in character, containing a mix of row and semi-detached principal dwellings as well as a public middle school, recreation center, and park. (Exhibit 25.)

29. The subject property is located in a Residential Flat (RF) zone, RF-1. The Residential Flat zones are residential zones that provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or other buildings into more than two principal dwellings. (Subtitle E §101.1.)

30. The provisions of the RF zones are intended to (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low-and moderate-density housing to the overall housing mix and health of the city; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of records; (d) establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of rowhouses and other structures for flats; and (f) prohibit the conversion of flats and row houses for apartment buildings as anticipated in the Residential Apartment (RA) zones. (Subtitle E §101.2.) The RF zones are designed to be mapped in areas identified as low-, moderate-, or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 101.3.)

31. The purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two principal dwelling units are permitted. (Subtitle E § 101.4.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks special exceptions under Subtitle E § 207.5 to allow a rear addition extending the rear wall of the Applicant's building more than 10 feet beyond the rear wall of an adjoining principal residential building and under Subtitle U § 320.2 to allow the conversion of an existing residential building to a four-unit apartment house at an existing two-story semi-detached building in the RF-1 zone at 1253 Morse Street, NE (Square 4069, Lot 58). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions as provided in the Zoning Regulations when, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to specific requirements. (See Subtitle X § 901.2.)

Extension of the rear wall. The Applicant proposed a rear addition to a semi-detached building that will extend 20 feet beyond the furthest rear wall of an adjoining residential building on the abutting lot to the east. The rear wall of a semi-detached building may be constructed to extend farther than 10 feet beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved by the Board as a special exception. (Subtitle E § 207.5.) Based on the findings of fact and having given great weight to the recommendation of the Office of Planning

and to the issues and concerns stated by ANC 5D, the Board concluded that the application satisfied the requirements for approval of the requested special exception.

The Applicant's three-story rear addition will not create adverse impacts on the use of the adjoining residential building with respect to the light, air, or privacy. The building as enlarged will meet development standards applicable in the RF-1 zone with respect to building height, lot occupancy, and rear yard. The Applicant submitted a sun study (Exhibits 27, 41, 42) that compared the proposed addition, extending 20 feet beyond the rear wall of the existing adjoining dwelling to the east, with the existing condition of the building. The Board credited the testimony of the Applicant that, based on the sun study, the proposed addition will have a "minimal impact" on the light and air available to the neighboring properties. (Transcript of December 10, 2025 at 9.)

The Board was not persuaded by the parties in opposition that the proposed addition would "inevitably cast longer shadows" and "would materially reduce the light and air" available to the neighboring properties. (Exhibits 36, 61.) The Board agreed with the Office of Planning that the Applicant's planned addition will not result in undue impacts on the light and air available to the abutting property to the east. (Exhibit 25). Considering that the Applicant's addition will meet applicable development standards aside from the planned extension of the rear wall, as well as the north-south orientation of the Applicant's dwelling, the Board was not persuaded by the parties in opposition or ANC 5D that the planned addition would unduly affect the light or air available to any nearby dwellings to the east. Additionally, the shadow impacts of the planned addition will unduly affect the adjoining dwelling because the Applicant's building will not extend as deep into the rear yard as the building on the abutting property to the west.

Similarly, the Board concluded that approval of the planned rear addition will not unduly compromise the privacy of the adjoining principal residential building. The absence of windows on the eastern side of the planned addition will preclude views of the adjoining property to the east. The Board was not persuaded by the parties in opposition that the proposed addition would provide "potential views into the neighboring rear yards from upper floors." (Transcript of October 29, 2025 at 86.) The windows facing south will primarily provide views to the south, limiting views of the adjoining property to the east. The Applicant's addition will not extend as far into the rear yard and will not provide balconies; accordingly, the Board was not persuaded that the addition will compromise privacy of any nearby property, given the absence of direct views to nearby dwellings.

Conversion to apartment house use. The Applicant requested a special exception under Subtitle U § 320.2 to allow the conversion of the existing residential building at the subject property to a four-unit apartment house. In accordance with Subtitle U § 320.2, the subject property contains a residential building that was existing on the lot before May 12, 1958.[3] (Transcript of February 25, 2026 at 127.) The lot area of the subject property is sufficient to provide at least 900 square feet of lot area per dwelling unit for the planned four units. (Subtitle U § 320.29(c).) As depicted in the architectural plans submitted by the Applicant, the four-unit building will include one required IZ unit, which will not be located in the cellar level.[4] (Subtitle U § 320.29(b).)

[3] According to HistoryQuest DC, a GIS map maintained by the Historic Preservation Office, the building at the subject property was constructed circa 1894.

[4] Pursuant to Subtitle C § 1005.7, "Inclusionary units in apartment houses shall not be located in cellar space."

General requirements. The Board concluded that approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as is required for approval of the application under Subtitle X § 901.2. The Applicant's proposal to provide four apartments in a semi-detached building at the subject property is consistent with the provisions of the Residential Flat zones, which allow conversions of existing residential buildings into more than two principal dwellings under limited circumstances. The application demonstrated that the Applicant's proposal met the requirements for such a conversion, in this case to four apartments, under Subtitle U § 320.2. Approval of the application is also consistent with the intent of the RF zones to recognize and reinforce the importance of neighborhood character, walkable neighborhoods, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city. The Applicant's enlarged building will continue and expand the residential use of the subject property in a manner consistent with applicable development standards other than the planned extension of the rear wall, which the Board determined should be approved as a special exception, as discussed above. Given the size of the lot, the conversion will not exceed the density permitted in the RF zone. The Board credited the testimony of the Office of Planning that the proposed addition will be in harmony with the general intent and purpose of the Zoning Regulations and Zoning Maps because the regulations contemplate building expansions that do not unduly impact neighboring properties. (Exhibit 25.) For the foregoing reasons, the Board was not persuaded by the parties in opposition that the application would not be in harmony with the purpose and intent of the RF-1 zone.

The Board concluded that approval of zoning relief to allow extension of the rear wall of the Applicant's building and its conversion to four apartments will not create adverse impacts with respect to the light, air, or privacy available to any nearby property. The Applicant's proposal will meet applicable development standards with respect to building height, both in terms of feet and number of stories, and the subject property will continue to meet zoning requirements for side and rear yard as well as lot occupancy. The Applicant will provide privacy fencing along the side lot lines of the subject property, as well as a garage-type door to screen the parking area at the rear of the lot. The Applicant's project will not create adverse privacy impacts related to the lightwell in the building to the west, given that the Applicant's building will continue to provide a side yard, the depth of the court, and the lack of alignment between windows on the west façade of the Applicant's building and the windows within the lightwell.

The Board determined that the Applicant's proposal will not adversely affect the use of neighboring property with respect to other potential adverse impacts such as noise or parking. The project will maintain the residential use of the subject property consistent with the development standards applicable in the RF-1 zone and will satisfy the zoning requirement for vehicle parking.

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board agreed with OP's recommendation that the application should be approved. The Board noted the Office of Planning's proposed condition that the trash and recycling area must be enclosed with a privacy fence. However, the Board did not determine that the proposed condition was necessary, because the Applicant will install a trash enclosure, as shown on the plans at Exhibit 75A, that will screen

the trash storage from view from nearby properties while also allowing collection from the abutting alley without creating adverse impacts on the neighboring properties.

The Board is required to give "great weight" to the issues and concerns raised by the affected ANC. (D.C. Official Code § 1-309.10(d)(3)(A).) In this case, ANC 5D voted to oppose the application, citing the incompatibility of the Applicant's proposal with the character of the block, including the existing housing pattern, the prevalence of high-density conversions in the area, and alleged deficiencies in the Applicant's application. (Exhibit 54.) The Board appreciated the ANC's perspective but did not find these arguments a persuasive reason to deny the application. As discussed above, the Board determined that the application met the requirements for approval of the special exceptions requested to allow extension of the rear wall of the Applicant's building and its conversion to four apartments. The ANC did not state issues or concerns that were germane to the Board's deliberations on the application, which concerned only whether, in the judgement of the Board, the application met the requirements stated in the Zoning Regulations for approval of the two requested special exceptions. The Board is required to accord "great weight" only to the issues and concerns of the affected ANC that are legally relevant to the application at issue. *See Concerned Citizens of Brentwood v. District of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1241 (D.C. 1993), *citing Bakers Local 118 v. District of Columbia Bd. of Zoning Adjustment*, 437 A.2d 176, 180 (D.C. 1981).

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order

was provided to the parties to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d).

Based on the findings of fact and conclusions of law, the Board determined that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under Subtitle E § 207.5 to allow the rear wall of a semi-detached building to extend more than 10 feet beyond the farthest rear wall of an adjoining principal residential building and under Subtitle U § 320.2 to allow the conversion of an existing residential building to a four-unit apartment house use at an existing two-story semi-detached building, with third-story and three-story rear additions, in the RF-1 zone at 1253 Morse Street, NE (Square 4069, Lot 58). Accordingly, it is **ORDERED** that the application is **GRANTED** in conformance with the plans in the record, including Exhibit 75A, consistent with Subtitle Y §§ 604.9 and 604.10.

VOTE: **3-0-2** (Carl H. Blake, Brittney Drakeford, and Gwen Wright to APPROVE, two Board seats vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.