

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Joshua Mitchum, Development Review Specialist *jm*  
Radhika Mohan, Deputy Director, Development, Design & Preservation

**DATE:** February 20, 2026

**SUBJECT:** BZA Application No. 21415: Request for special exception relief to construct a two-story w/ cellar rear addition, and conversion to a three-unit apartment house from an existing semi-detached, three-story w/ cellar principal dwelling unit in the RF-1 Zone.

**I. RECOMMENDATION**

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

- **Special Exception Uses (RF), U § 320.2** (Conversion of an existing residential building existing prior to May 12, 1958 to an apartment house requires Special Exception approval); and
- **Rear Yard, E § 207.1** (20 ft. min. required, 21.58 ft. existing; 16 ft. proposed)

**II. LOCATION AND SITE DESCRIPTION**

<b>Address:</b>	1300 Girard Street NW
<b>Applicant:</b>	Robert Kyle Bivens & Jose Duron Milla c/o Martin Sullivan
<b>Legal Description:</b>	Square 2860, Lot 0068
<b>Ward / ANC:</b>	Ward 1 / ANC 1A
<b>Zone:</b>	RF-1, Low to Medium-Density Residential Row Homes
<b>Historic Districts:</b>	N/A
<b>Lot Characteristics:</b>	The 5,152 square foot corner lot is rectangular in shape, and has 112 feet of frontage along Girard Street NW, and 46 feet of frontage along 13 <sup>th</sup> Street NW.
<b>Existing Development:</b>	The lot is currently improved with a 3-story w/ cellar single-family row dwelling.
<b>Adjacent Properties:</b>	The property is bounded to the north by residential and institutional uses in the RF-1 Zone, and to the south, east, and west by residential uses in the RF-1 Zone.
<b>Surrounding Neighborhood Character:</b>	The surrounding neighborhood can be characterized by residential dwellings, flats, and institutional uses such as the Easterseals Child Development Center.

<b>Proposed Development:</b>	The Applicant is proposing to construct a two-story w/ cellar rear addition and the conversion of the existing single-family dwelling into a three (3)-unit multi-family residential dwelling.
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**III. ZONING REQUIREMENTS AND RELIEF REQUESTED**

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Density E § 201	2 principal dwelling units max. per lot	1 principal dwelling unit	No change	None requested
<b>Conversion to Apartment House U § 320.2</b>	<b>3 or more dwelling units with 900 sq. ft. of lot area per unit requires Sp. Ex.</b>	<b>1 dwelling unit</b>	<b>3 dwelling units</b>	<b>Special Exception requested</b>
Lot Width (Row) E § 202	18 ft. min.	46 ft.	No change	None requested
Lot Area (Row) E § 202	1,800 sq. ft. min.	5,152 sq. ft.	No change	None requested
Height E § 203	35 ft. max. 3 stories max.	36.50 ft.	35 ft.	None requested (existing nonconformity)
Front Yard E § 206	Consistent with range of existing front setbacks of residential buildings on same street	-	No change	None requested
<b>Rear Yard E § 207</b>	<b>20 ft. min.</b>	<b>21.58 ft.</b>	<b>16 ft.</b>	<b>Special Exception requested</b>
Rear Extension E § 207.4	10 ft. max. beyond neighboring houses	-	5.58 ft. beyond neighboring houses	None requested
Side Yard E § 208	None required, but 5 ft. min. if provided	0-25 ft.	No change	None requested
Lot Occupancy E § 210	60% max.	21.09%	24.73%	None requested
Pervious Surface E § 211	20% min.	60.29%	36.28%	None requested
Parking C § 701	1 per principal dwelling	2 spaces	No change	None requested

#### IV. OFFICE OF PLANNING ANALYSIS

##### Subtitle U § 320 SPECIAL EXCEPTION USES (RF)

320.2 *The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use pursuant to Subtitle U § 301.4 that increases the number of units, shall be permitted in any of the RF-1 zones if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:*

- (a) *The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;*

The subject building to be expanded has been and will be in existence on the property at the time that the Department of Buildings accepts the building permit applications as complete. Therefore, this criterion has been satisfied.

- (b) *The fourth (4<sup>th</sup>) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and*

The Applicant is proposing to convert the building into a three (3)-unit apartment building. Therefore, this criterion is inapplicable to the subject application.

- (c) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.*

The Applicant proposes three (3) units on a 5,152 square foot lot, which would provide approximately 1,717 square feet of land area per new dwelling unit, greatly exceeding the minimum requirement of 900 square feet. Therefore, this criterion has been satisfied.

##### Subtitle E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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;*
- (b) ***Yards, including alley centerline setback;***

The Applicant has requested special exception relief from the rear yard requirements of Subtitle E § 207.1.

(c) *Courts; and*

(d) *Pervious surface.*

5201.2 Not applicable to the subject application

5201.3 Not applicable to the subject 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 addition should not unduly affect the light and air available to neighboring properties. The proposed addition will not extend a significant amount beyond the rear wall of neighborhood properties and will have a total extension of approximately 5.58 feet, which is less than the maximum amount of 10 feet beyond neighboring properties. Furthermore, the Applicant has provided a shadow study (Exhibit 18C) that shows that the proposed addition would not produce any additional excessive shadows onto neighboring properties.

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

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The subject property is a corner lot, and the addition does not propose exterior windows that would look directly into neighboring properties.

(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 addition should not substantially visually intrude upon the character, scale, and pattern of housing along Girard Street NW. The proposed addition would not add any bulk or façade changes that would substantially bring the subject property out of character with the surrounding homes.

(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 has provided graphical representations such as plans, shadow studies, and color photographs to sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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.*

OP does not recommend that the BZA require special treatment in this case.

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 Applicant has not requested special exception relief that would permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories.

### **Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS**

901.2 *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) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The special exceptions, if granted, should be in harmony with the general purpose and intent of the Zoning Regulations and the RF-1 Zone. The Zoning Regulations note that the RF-1 Zone “provide[s] 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 (2) principal dwelling units”. The Applicant’s proposal to convert the existing single-family dwelling into three (3) units can reasonably be considered limited, as evidenced by the proposed unit count allowing for more than 1,700 square feet of land area per unit.

(b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As shown earlier in this report, the special exceptions, if granted, should not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

(c) *Subject in specific cases to the special conditions specified in this title.*

Special conditions have not been specified for the subject application.

## **V. OTHER DISTRICT AGENCIES**

A report from the District Department of Transportation (DDOT) has been submitted to the record in Exhibit 19 stating no objection to the subject application as presented. DDOT notes that the Applicant is expected to coordinate with the Ward 1 Arborist regarding the preservation and protection of existing Heritage and Special trees on site.

As of the filing of this report, comments from other District agencies have not been received.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the filing of this report, comments from ANC 1A have not been submitted into the record.

## **VII. COMMUNITY COMMENTS**

As of the filing of this report, comments from the community have not been submitted into the record.

Attachment: Location Map

**Location Map**

