

MEMORANDUM

TO: Board of Zoning Adjustment for the District of Columbia
FROM: Philip Y. A. Isaiah, Development Review Specialist
 MBR
 Maxine Brown-Roberts, Associate Director, Development Review
DATE: August 28, 2026

SUBJECT: BZA Case 21471, Request for use variance relief to permit a 3-unit apartment house in a semi-detached residential building in the R-2 zone at 4654 Hillside Road, SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance:

- Subtitle U § 201. The matter-of-right uses in the R Zones, (1 principal dwelling unit maximum, 2 principal dwelling units existing, 3 principal dwelling units proposed) pursuant to Subtitle X § 1002

II. LOCATION AND SITE DESCRIPTION

Address	4654 Hillside Road, SE
Applicant	Station 4 Properties, LLC
Legal Description	Square 5362, Lot 65
Ward, ANC	Ward 7; ANC 7E
Zone	R-2
Historic District	N/A
Lot Characteristics	The rectangular lot is 3,565 sq ft in area with a lot width of 31 feet and lot depth of 115 feet. This lot was originally subdivided in 1942 and has remained unchanged since that time. The lot abuts a 20-foot public alley at its rear.
Existing Development	The subject property contains a two-story, brick-sided, semi-detached residential building
Adjacent Properties	The lots to the south, east, and west are similarly sized rectangular parcels containing residential buildings constructed at the same time and to the same specifications as the subject property. The building on Lot 64 is attached to the subject building, and these properties are also zoned R-2. The lots to the north contain single-unit, semi-detached dwellings, which are likewise zoned R-2.

Surrounding Neighborhood Character	Most of the block containing the subject property consists of similar residential buildings constructed as part of the same 1942 development. The block is zoned R-2, with the exception of Lots 116, 117, 118, and 119 located at the southeast corner near Benning Road, which are zoned RA-1. OP notes that some neighboring properties continue to operate as four-unit apartment houses, unlike the subject property; however, these buildings appear to have never been converted to fewer dwelling units, thereby maintaining their grandfathered status from the original 1942 construction, despite the present zoning designation.
Proposed Development	The applicant seeks a use variance to add a third principal dwelling unit to the existing building. The structure currently contains two units that are permitted to continue pursuant to a prior BZA variance, even though the R-2 zone allows only one dwelling unit as a matter-of-right. The existing two units occupy the entirety of the first and second floors, respectively. The proposed third unit would occupy the full basement level and include four bedrooms. It would be accessed from the rear of the building through the existing basement entrance.

III. BACKGROUND

- **1942** - The lot was originally subdivided, and the existing building was constructed as a matter-of-right four-unit apartment house under the Residential District “A” standards of the 1920 regulations.
- **1958** - The Zoning Commission downzoned the property from Residential District “A” to the newly established R-2 zone.
- **Approx. 1980** - The building was altered from a four-unit apartment house to a two-unit flat without permits or an updated certificate of occupancy by a previous owner.
- **2001** - The Board of Zoning Adjustment granted a variance (Case No. 16647) recognizing and allowing the continued use of the building as a two-unit flat.
- **2022** – Subject property purchased by the applicant.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed*	Relief
Lot Width D § 202.1	30 ft. min. (Semi-detached building)	31 ft.	No change	None requested
Lot Area D § 202.1	3,000 sq. ft. min. (Semi-detached building)	3,565 sq. ft.	No change	None requested
Height D § 203	40 ft. max. and 3 stories max.	2 stories	No change	None requested
Front Setback D § 206	In-line with neighboring properties	15 ft.	No change	None requested

R-2 Zone	Regulation	Existing	Proposed*	Relief
Rear Yard D § 207.1	20 ft. min.	25 ft.	No change	None requested
Rear Extension D § 207.4	10 ft. max.	0 ft.	No change	None requested
Side Yard D § 208	8 ft. min.	7 ft. 6 in.*	No change	None requested
Lot Occupancy D § 210	40% max.	35%	No change	None requested
Vehicular Parking (Multi-unit residential) C § 701.5	1 per 2 dwelling units (R zones) (Thus, 2 spaces)	0 spaces	2 spaces	None requested
Principal Dwelling Units U § 201.1 (a)	1 Unit	2 Units***	3 Units	Use Variance Requested

*Per the Zoning Administrator (Exhibit 20)

** Permitted pursuant to BZA 11207 (June 12, 1973) (variance)

***Permitted pursuant to BZA 16647 (March 29, 2001)(variance)

V. OFFICE OF PLANNING ANALYSIS

A. USE VARIANCE RELIEF FROM SUBTITLE U § 201.1

- i. The applicant of a use variance must prove that strict application of the zoning regulations would result in exceptional or undue hardship to the property owner*

The applicant argues and provides evidence as part of the updated burden of proof (Exhibit 26A) that multiple coinciding conditions of the building and surrounding area when considered together creates an exceptional and undue hardship, including the structure size, deferred maintenance on the property, recent safety concerns on the block, and unit configuration.

Structure Size

The property was constructed originally as a four-unit apartment house and historically operated with multiple units consistent with its original design and layout. Although downzoned in 1958, the building's size, internal configuration, and structural layout reflect its multi-unit origins and differ substantially from a typical single-unit R-2 structure.

Deferred Maintenance

As part of the updated burden of proof, the applicant has provided evidence to the record that the basement suffers from ongoing ventilation and moisture problems, including professionally documented mold requiring remediation, as well as recurring winter freezing pipe risks that require continual monitoring and preventive measures. (Exhibits 26C, 26D, 26H, 26I, 26J)

Safety Incidents

The applicant has also documented security concerns associated with leaving a separately accessible, largely vacant basement unoccupied, including incidents of unauthorized entry on the same block. (Exhibits 26E and 26F).

Unit Configuration

Additionally, photographs and supporting materials show that connecting the basement to the upper units would require substantial structural alterations to occupied residential areas, affecting existing plumbing, electrical, and mechanical systems and necessitating the temporary displacement of families living in Units 1 and 2. (Exhibit 26G)

As such, on balance the applicant has proved that the continuation of the less-dense two-unit configuration of this building is unsustainable for the reasonable upkeep of the property by a confluence of concurrent factors and thus, together presents an exceptional and undue hardship to the owner. This standard is met.

ii. No Substantial Detriment to the Public Good

The surrounding block was constructed in 1942 with similar multi-unit buildings, several of which continue today as four-unit apartment houses retaining their grandfathered status. The introduction of a third unit in the subject property would be consistent with the existing residential character, density, and building form present on the block. Access to the proposed unit is through an existing basement entrance at the rear of the property, minimizing visual and physical impacts. No changes to building height, footprint, or massing are proposed. As a result, the use variance is not expected to create environmental, traffic, or privacy impacts that rise to a level of substantial detriment to the public good. This standard is met.

iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

While the R-2 zone is intended to support lower-scale residential uses, the zoning regulations also recognize and permit the continued lawful use of multi-unit buildings that were originally constructed when such uses were allowed. The surrounding neighborhood context includes multiple buildings originally built as multi-unit structures, many of which continue today. The proposed third unit remains within the existing building envelope and reflects the structure's legacy multi-unit design. Allowing a modest increase from two units to three within an existing, multi-unit structure without changing the bulk or character of the building does not on balance undermine the intent or integrity of the R-2 zone, particularly given the block's legacy development pattern. This standard is met.

VI. OTHER DISTRICT AGENCIES

While no comments from other District agencies have been provided to the record at this report's publication, the District Department of Transportation (DDOT) has informed OP that it has no objection to the subject application.

VII. ADVISORY NEIGHBORHOOD COMMISSION

No report from ANC 7E has been provided to the record at this report's publication.

VIII. COMMUNITY COMMENTS

Two letters of support are contained in the record as Exhibits 8 and 9.

Site Location

