

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Robert Kyle Bivens and Jose Duron Milla**  
**1300 Girard Street, NW (Square 2860, Lot 68)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Robert Kyle Bivens and Jose Duron Milla (collectively, the “**Applicant**”), owners of the property located at 1300 Girard Street, NW (Square 2860, Lot 68) (the “**Property**”). The Property, located in the RF-1 zone district, is improved with a three-story + cellar, single-family row dwelling (the “**Building**”). The Applicant proposes to construct a matter of right two-story + cellar addition at the rear (the “**Addition**”) and to convert the Building from one unit to three units (the “**Project**”). Accordingly, the Applicant requests special exception approval pursuant to U § 320.2 to convert the Building to three units.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the requested special exception relief pursuant to Subtitle X § 901.2 and Subtitle U § 320.2.

**III. BACKGROUND.**

**A. Description of the Subject Property and Surrounding Area.**

The Property, located in the RF-1 Zone District, is a corner lot measuring 5,152 square feet in land area. Abutting the Property to the north is Girard Street. Abutting the Property to the west is 1302 Girard Street, NW, a single-family row dwelling. Abutting the Property to the east is 13<sup>th</sup> Street. Abutting the Property to the south is 2728 13<sup>th</sup> Street, NW, a single-family row dwelling. The area is characterized by a variety of residential buildings including single-family dwellings, flats and multifamily apartment buildings. Easterseals Child Development Center is located across Girard Street from the Property.

**B. Proposed Project.**

The Applicant intends to construct a matter of right two-story + cellar rear addition. As part of the renovation, the Applicant is also proposing to convert the existing single-family dwelling to three units, including two 3-bedroom dwelling units and one 2-bedroom dwelling unit. The chart below summarizes the applicable development standards and relief:

<u>Development Standard</u>	<u>Min/Max</u>	<u>Proposed</u>	<u>Relief</u>
Height	35 ft., 3 stories	Addition 35 ft., 3 stories	NA
Lot Occupancy	60%	21.53%	NA
Rear Yard	20 ft.	20 ft.	NA
Side Yard	5 ft.	0 ft. & 25.05 ft.	NA
Parking Spaces	1 space	2 spaces	NA

#### **IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION APPROVAL.**

##### **A. Overview**

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception 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, subject also, in this case, to the specific requirements for relief under Subtitle D-5201 of the Zoning Regulations. In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000).

##### **B. General Special Exception Requirements of Subtitle X-901.2. 1.**

###### **1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Zoning Regulations permit the conversion of a single-family dwelling to three (3) units via special exceptions. The Zoning Regulations also note that the RF zones are "residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units. Therefore, the proposed 3-unit conversion is in harmony with the general purpose and intent of the RF Zones and Zoning Regulations.

2. Granting of a Special Exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception will not tend to affect adversely the use of the neighboring properties as described more fully below, the granting of the requested relief will also not unduly impact light and air or privacy of the neighboring properties.

**C. Relief from the Conversion Requirements of 11-U DCMR § 320.2.**

In order to have three (3) principal dwelling units on the Property, the Applicant must request special exception relief pursuant to U § 320.2. A conversion requires that the existing residential building existed on the lot prior to May 12, 1958. Here, the Building has existed on the lot since 1907, safely meeting the first requirement. The proposal in this Application also satisfies the requirements of 11 DCMR Subtitle U § 320.2(a) through 320.2(c) as follows:

**Section 320.2(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 building to be expanded is in existence on the Property and will be in existence on the property at the time the Department of Buildings accepts as complete the building permit application for the conversion and expansion.

**Section 320.2(b) The fourth (4th) 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 § 1003.6; and**

The Applicant is only proposing three (3) dwelling units; therefore, this section does not apply.

**Section 320.2(c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.**

There is a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit. The Applicant is proposing a total of three (3) residential dwelling units, which requires 2,700 square feet of land area. The Subject Property has 5,152 square feet of land area.

**V. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

*Martin P Sullivan*

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