

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 19475-A
Washington DC 2601 Virginia Owner, LLC
2601 Virginia Avenue, NW (Square 6, Lot 42)**

HEARING DATE (19475):	April 19, 2017
DECISION DATES (19475):	May 31 and June 7, 2017
ORDER ISSUANCE DATE (19475):	August 9, 2017
DECISION DATE (19475-A):	November 12, 2025

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITHOUT HEARING**

Pursuant to notice, at its November 12, 2025, public meeting, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification without hearing to BZA Order No. 19475 to construct eight additional residential units on the second story and relocate a residential amenity space to the ground floor in place of retail use in an existing, detached, 10-story, 250-unit apartment house. The Board considered the request for a modification without hearing under Subtitle Y § 703 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 19475, the Board approved the request by DC Boathouse, LLC (the “**Applicant**”) for special exceptions under the penthouse restaurant use requirements of Subtitle C § 1500.3(c) and the retail use requirements of Subtitle U § 504.1(j), to construct an addition to an existing dormitory to create an apartment building with a ground-floor retail use and a penthouse café in the MU-2 Zone. The Board issued Order No. 19475 on August 9, 2017. (Exhibit 4 of the record for Case No. 19475-A.) The approval was subject to six conditions:

1. The Applicant shall provide a minimum of 83 secure long-term bicycle parking spaces.
2. The Applicant shall provide one 20-foot delivery space.
3. Trash dumpsters shall be stored on private property.

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4. The Applicant shall not seek an application for a liquor license for the limited penthouse use.
5. The Applicant shall not seek an application for any outdoor entertainment use, including any outdoor speakers or any amplified music, both in the ground-floor retail and in the penthouse.
6. The Applicant shall limit the hours of operation of the penthouse to end by 11 p.m. on Sunday through Thursday evenings and midnight on Friday through Saturday evenings.

PROPOSED MODIFICATION. On September 24, 2025, the Applicant submitted a request for a modification without hearing to Order No. 19475. (Exhibits 1-6.) The request proposed to modify the approved plans by constructing eight additional residential units on the second floor and relocating a residential amenity space to the ground floor in place of retail use. The Applicant submitted revised plans reflecting these modifications. (Exhibit 3.) No changes to the conditions in the original approval were proposed.

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y §§ 703.10-703.11, the Applicant provided proper and timely notice of the request for a modification without hearing. (Exhibit 6.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2A.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 22, 2025, at which a quorum was present, the ANC voted to request the Board postpone its consideration of the modification. (Exhibit 7.) On November 3, 2025, ANC Chairperson Trupti Patel submitted an additional letter noting community concerns and reiterating the ANC's request to postpone the Board's decision until February 2026. (Exhibit 8.)

At the November 12 Public Meeting, the Board denied the ANC's postponement request.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 9).

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record for the modification.

CONCLUSIONS

The Board determines that the Applicant's request complies with Subtitle Y § 703.7, which defines a modification without hearing as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification without hearing, the Applicant has met its burden of proof under Subtitle Y § 703.7.

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Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

Based on the case record, the Board concludes that the applicant has satisfied the burden of proof for a modification without hearing to construct eight additional residential units on the second story and relocate a residential amenity space to the ground floor in place of retail use in an existing, detached, 10-story, 250-unit apartment house.

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibit 3 of the record.

In all other respects, Order No. 19475 remains unchanged.

VOTE: 3-0-2 (Frederick L. Hill, Carl H. Blake, and Anthony J. Hood to APPROVE;
Chrishaun S. Smith not present, not participating; one Board seat 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: November 18, 2025

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, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED 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

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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.