

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 20363 of Peter and Karen Byrne**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential use provisions of Subtitle U § 601.1(f), from the alley lot use requirements of Subtitle U § 600.1(f), and under Subtitle E § 5201.3, from the side yard requirements Subtitle E § 5100.1(e), and from the alley centerline setback requirements of E § 5100.1(d), to convert an existing residential parking garage to a two-story, attached, principal dwelling unit in the RF-1 zone at premises 514 Archibald Walk SE (Square 877, Lot 845).

**HEARING DATE:** January 27, 2021  
**DECISION DATE:** January 27, 2021

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 36 (Revised); Exhibit 4 (Original)<sup>1</sup>.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 12, 2021, at which a quorum was present, the ANC voted to support the application. (Exhibit 41.) The ANC Report raised no issues or concerns.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 38.)

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<sup>1</sup> The application was amended to reflect alley centerline setbacks and to provide updated citations due to a recent text amendment.

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DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 37.)

Other Agency Responses. Metropolitan Police Department submitted a response indicating that it had no objection to the application. (Exhibit 33B.) DC Fire and Emergency Medical Services Department submitted a report indicating that it had no objection, provided that an approved automatic sprinkler system is installed in the building. (Exhibit 34.) The Applicant confirmed that it will comply with this request and provided plans showing sprinkler locations. (Exhibit 47A.) DC Water provided feedback in the form of a map showing existing water service in the alley and raised no objections. (Exhibit 33A.) The Department of Public Works did not submit a response but was notified of the application by DC Office of Zoning and the Applicant.

Persons in Support. The Board received three letters in support from neighbors, including two adjoining neighbors. (Exhibit 14-16.) The Board also received a letter in support from Capitol Hill Restoration Society. (Exhibit 44.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the residential use provisions of Subtitle U § 601.1(f), from the alley lot use requirements of Subtitle U § 600.1(f),<sup>2</sup> and under Subtitle E § 5201.3, from the side yard requirements Subtitle E § 5100.1(e), and from the alley centerline setback requirements of E § 5100.1(d), to convert an existing residential parking garage to a two-story, attached, principal dwelling unit in the RF-1 zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**<sup>3</sup> at **EXHIBIT 35**.

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<sup>2</sup> The subject property is an Alley Tax Lot. To demonstrate compliance with the criteria of this Subtitle U § 600.1(f), the Applicant provided evidence to the record of its Subdivision Application (Exhibit 40A) and represented it would convert the lot to an Alley Record Lot to comply with the requirements of Subtitle U § 601.1(f)(2).

<sup>3</sup> Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of

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**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; 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:**

  
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**SARA A. BORDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** February 2, 2021

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 AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS 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

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the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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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.