

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



**Application No. 20802-A of 639A, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9 for special exceptions under Subtitle E § 5201 from the building area requirements for accessory buildings under Subtitle E § 5003.1 and under Subtitle U § 301.1(e) to allow residential use of a new two-story accessory structure in the rear yard of an existing two-story semi-detached principal dwelling in the RF-1 zone at 639 A Street, S.E. (Square 870, Lot 113).

**HEARING DATE:** November 9, 2022  
**DECISION DATE:** November 9, 2022  
**ORDER ISSUANCE DATE:** December 5, 2022  
**DECISION DATE**  
**ON MOTION FOR STAY:** July 24, 2024

**DECISION AND ORDER DISMISSING  
MOTION FOR STAY**

By order issued December 5, 2022, the Board granted the zoning relief requested in a self-certified application submitted on behalf of 639A, LLC (the “Applicant”), the owner of the property that was the subject of the application. Parties in this proceeding are the Applicant and Advisory Neighborhood Commission (“ANC”) 6B, the ANC in which the subject property is located. The Board subsequently received a motion to stay the order pending resolution of an appeal. At a public meeting on July 24, 2024 the Board voted to dismiss the motion for stay as moot because the appeal had been dismissed.

**FINDINGS OF FACT**

1. The property that is the subject of this application is an interior lot on the south side of A Street, S.E., between 6th and 7th Streets, S.E., with the address 639 A Street S.E. (Square 870, Lot 113). The subject property is a rectangular lot measuring 19.86 feet wide and 136.08 feet deep, with a lot area of 2,703 square feet.
2. The Applicant proposed to replace an existing one-story accessory structure (garage) with a new two-story accessory structure in the rear yard of the subject property. The new accessory structure will be devoted to use as a garage on the first floor and a principal dwelling on the second floor.
3. After notice of the application and public hearing was provided by the Office of Zoning in accordance with Subtitle Y §§ 400.4 and 402.1, the Board conducted a public hearing on

**BZA APPLICATION NO. 20802-A**  
**PAGE NO. 2**

the application on November 9, 2022. At the conclusion of the public hearing, the Board closed the record in accordance with Subtitle Y § 602 and voted to approve the zoning relief requested by the Applicant.<sup>1</sup>

4. On November 21, 2022, Enise Han, a resident of the 600 block of A Street S.E. near the subject property, filed a request to reopen the record. The request alleged that Ms. Han and “other neighbors” did not receive notice of the public hearing on the application. (Exhibit 33).
5. On November 22 and 29, 2022, the Board received requests to reopen the record from Patricia Mink and George Dee, residents of Browns Court and Independence Avenue, respectively, near the subject property. The requests asserted that no notice of the application or hearing had been received. (Exhibits 34, 35).
6. At a public meeting on November 30, 2022, the Board voted to deny the requests to reopen the record.
7. On December 5, 2022, the Board issued an order approving the application. The order became final when it was issued, when the order was filed in the record and served on the parties. (Subtitle Y § 604.7.) The order reflected that the three persons had provided supplemental materials accompanied by requests to reopen the record, which the Board had considered but voted not to accept into the record because the requests did not demonstrate good cause and the lack of prejudice to any party.
8. On May 28, 2024, Ms. Han filed a motion pursuant to Subtitle Y § 701 to stay the effectiveness of the Board’s order pending decision and order by the D.C. Court of Appeals. The motion stated that Ms. Han filed a timely petition for review of the order at the Court of Appeals on December 13, 2022 (Case No. 22-AA-0942). (Exhibits 39, 39A.)
9. At a public meeting on July 24, 2024, a representative of Ms. Han informed the Board that the appeal had been dismissed on procedural grounds. (Transcript of July 24, 2024 at 55.) The Court of Appeals dismissed the appeal on June 26, 2024, issuing a mandate on July 18, 2024. (See, [Appellate E-Filing System](#); last accessed on December 22, 2025.)

**CONCLUSIONS OF LAW AND OPINION**

---

<sup>1</sup> The Office of Zoning provided notice of the application and the public hearing by letters dated July 6, 2022 sent to the Applicant, the Office of Planning, the Historic Preservation Office, the District Department of Transportation, ANC 6B and Single Member District ANC 6B02, the Department of Consumer and Regulatory Affairs, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 6 as well as the Chairman and four at-large members of the D.C. Council, and the owners of all property within 200 feet of the subject property. Notice of the public hearing was published in the *District of Columbia Register* on July 15, 2022 (69 DCR 008479). (See Exhibit 18.)

**BZA APPLICATION NO. 20802-A**  
**PAGE NO. 3**

Pursuant to Subtitle Y § 701.2, the Board, on its own motion or the motion of a petitioner to the District of Columbia Court of Appeals, may order the effectiveness of a final decision and order of the Board stayed pending appeal of the decision and order to the Court of Appeals. Except for stays granted on its own motion, the Board must grant a stay only after finding that four specific criteria are present.<sup>2</sup> (Subtitle Y § 701.3.)

In this case, the Board received a motion for stay of an order that was filed by a petitioner to the Court of Appeals, which sought to stay the effectiveness of the Board's order pending a decision by the Court on the appeal. However, the Court dismissed the appeal. As a result, there is no longer a pending appellate decision that could affect the Board's approval of the application and no potential termination for the requested stay. Under the circumstances, the Board determined not to address the merits of the request and instead to dismiss the motion for stay as moot. *Cf. People's Counsel of the District of Columbia v. Public Service Commission of the District of Columbia*, 414 A.2d 516 (D.C. 1980).

Based on the findings of fact and conclusions of law, the Board concluded that the petitioner's motion to stay the effectiveness of the Board's order approving Application No. 20802, issued December 5, 2022, was rendered moot by the dismissal of the petitioner's appeal by the D.C. Court of Appeals. Accordingly, it is **ORDERED** that the motion to stay is **DISMISSED**.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Carl H. Blake, and Anthony J. Hood to DISMISS; Chrishaun S. Smith not participating)

**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:** January 23, 2026

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.

---

<sup>2</sup> The criteria are: (a) the party seeking the stay is likely to prevail on the merits of a motion for reconsideration or rehearing, a *sua sponte* review, or an appeal; (b) irreparable injury will result if the stay is denied; (c) opposing parties will not be harmed by a stay; and (d) the public interest favors the granting of the stay.

**BZA APPLICATION NO. 20802-A**  
**PAGE NO. 4**

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.