

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21080
Aulona Alia
2017 Rear 2nd Street, NE (Square 3564, Lot 49)

HEARING DATES: June 12, 2024; March 12 and July 2, 2025¹
DECISION DATE: July 2, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to subdivide an alley record lot and create two new alley records lots and construct a two-story semi-detached principal dwelling on each new lot in the RF-1 zone:

- Area variance from the new alley record lot frontage requirements of Subtitle C § 306.1(a), pursuant to Subtitle X § 1002.1(a) (*24 foot alley width required; 15-foot wide alley abutting northern lot proposed*)
- Area variance from the new alley record lot minimum alley width requirements of Subtitle C § 306.1(b), pursuant to Subtitle X § 1002.1(a) (*24 foot alley width required; 15 and 16-foot alley width existing and proposed*)
- Area variance from the new alley record lot minimum lot area requirements of Subtitle C § 306.1(c), pursuant to Subtitle X § 1002.1(a) (*3,000 sq. ft. minimum required; 2,190 sq. ft. for the southern lot and 2,590 sq. ft. for the northern lot proposed*)
- Special exception from the minimum side yard for lot lines abutting a non-alley lot requirements of Subtitle E § 5100.1(d), pursuant to Subtitle E § 5201.3 and pursuant to Subtitle X § 901.2 (*5 feet minimum required; 3.9 feet from southern lot proposed*)

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 55A (Final Revised).)²

¹ The continued public hearing was postponed several times at the Applicant's request.

² The application was accepted and noticed as a self-certified application requesting area variance relief from the new alley record lot requirements of Subtitle C § 306.1. In Exhibit 28, the Applicant withdrew the previously requested area variance relief and requested an area variance from Subtitle E § 5105.1, a section of the ordinance deleted pursuant to Order No. 08-06A and Order No. 19-13. In Exhibit 36, the Applicant withdrew the request for an area variance from E § 5105.1 and requested an area variance from the new alley record lot frontage requirements of Subtitle C § 306.1(a). Subsequently the Applicant requested a Zoning Administrator Memorandum, Exhibit 50, which stated area variance relief was not required, but special exception relief from Subtitle C §§ 306.1(a) and 306.1(b), the new alley record lot minimum alley width requirements, and from Subtitle C § 306.4, to convert an existing alley tax lot to an alley lot of record. Finally, Exhibit 55A withdrew relief from Subtitle C § 306.4, converted the special exception relief under C §§ 306.1(a) and (b) into area variances, added an area variance

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5F, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 18, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 53.) The ANC report raised no issues or concerns.

At the June 12, 2024, public hearing, Commissioner Jennifer Anderson provided testimony clarifying the ANC process and the Applicant's outreach to the ANC.

OFFICE OF PLANNING ("OP") REPORT. OP submitted three reports to the record:

- The original OP report, dated March 15, 2024, was unable to provide a recommendation. (Exhibit 22.)
- The first supplemental OP report, dated May 31, 2024, recommended approval of the application. (Exhibit 35.)
- The second supplemental OP report, dated June 25, 2025, recommended approval of the application. (Exhibit 57.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 23.) DDOT recommended that the Board adopt a condition requiring an alley land transfer prior to the issuance of a Certificate of Occupancy, as depicted on page two of their report; the Board did not adopt this condition.

CONCLUSIONS

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.

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 special exception and variance relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;

request from C § 306.1(c), the new alley record lot minimum lot area requirements, and a special exception request from Subtitle E § 5100.1(d), the minimum side yard requirements from a non-alley lot.

- It will not tend to affect adversely the use of neighboring property;
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief;
- There exists an exceptional or extraordinary situation or condition related to the property;
- The exceptional condition creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations;
- The relief can be granted without substantial detriment to the public good; and
- The relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Area variance from the new alley record lot frontage requirements of Subtitle C § 306.1(a), pursuant to Subtitle X § 1002.1(a) (*24 feet required, 15-foot alley abutting northern lot proposed*)
- Area variance from the new alley record lot minimum alley width requirements of Subtitle C § 306.1(b), pursuant to Subtitle X § 1002.1(a) (*24 feet required, 15 and 16-foot alleys existing and proposed*)
- Area variance from the new alley record lot minimum lot area requirements of Subtitle C § 306.1(c), pursuant to Subtitle X § 1002.1(a) (*3,000 sq. ft. minimum required, 2,190 sq. ft. for the southern lot and 2,590 sq. ft. for the norther lot proposed*)
- Special exception from the minimum side yard for lot lines abutting a non-alley lot requirements of Subtitle E § 5100.1(d), pursuant to Subtitle E § 5201.3 and pursuant to Subtitle X § 901.2 (*5 feet minimum required, 3.9 feet from southern lot proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 44 of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Robert E. Miller 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:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: July 10, 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 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.