GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21209
304, 306, 308 K Street, LLC
Rear 304, 306, and 308 K Street NE, (Square 774, Lot 65)

HEARING DATE: October 7, 2026[1]
DECISION DATE: October 7, 2026

SUMMARY ORDER

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

- Special exception from the new alley record lot access requirements of Subtitle U § 600.1(f)(6)(A) and (B), pursuant to Subtitle U § 601.1(f) and Subtitle X § 901.2 (*24 feet minimum required, 10 feet proposed – all lots*)
- Special exception from the public alley width frontage requirements of Subtitle C § 306.1(a) and (b), pursuant to Subtitle C § 306.5 and Subtitle X § 901.2 (*24/15 feet minimum required, 10 feet proposed – all lots*)
- Special exception from the alley lot minimum side yard requirements of Subtitle E § 5100.2(c), pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*5 feet minimum, 0 feet proposed – Lot C*)
- Special exception from the minimum alley centerline setback requirements of Subtitle E § 5100.2(e), pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*7.5 minimum required, 5 feet proposed – Lot A*)

The zoning relief requested in this case was self-certified. (Exhibit 86 – Lot A, Exhibit 87 – Lot B, Exhibit 88 – Lot C.)[2]

[1] The Application was postponed six times and administratively rescheduled twice from the original public hearing date of March 19, 2025.

[2] The Applicant withdrew area variance requests from the minimum lot dimension requirements of Subtitle E § 202.1 and from the new alley record lot requirements of Subtitle C § 306.1(a), (b), and (c) requested in Exhibit 24; following the publication of Zoning Commission Order No. 25-06 Regulations Governing Alley Lots, the Applicant amended their request to include special exception requests from the alley lot minimum yard requirements of Subtitle E § 5100.2(c) and the alley lot minimum alley centerline setback requirements of Subtitle E § 5100.2(e). The Applicant also updated their special exception request from the residential use of an alley lot requirements from Subtitle U § 600.1(f)(4)(B) to Subtitle U § 600.1(f)(6)(A) and (B).

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EXHIBIT NO. 93

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 6C, 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 October 8, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 64.)[3] The ANC report raised no issues or concerns.

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

- The original OP report, dated October 24, 2025, bifurcated their recommendation by relief type, recommending denial of the area variances, but if the Board determined the variance criteria met then recommending approval of the special exceptions. (Exhibit 56.)
- The supplemental OP report, dated September 25, 2026, recommended approval of the application. (Exhibit 89.)[4]

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 55.)

PERSONS IN SUPPORT. The Board received six letters from neighbors and one organizational letter in support from the Capitol Hill Restoration Society (CHRS) in support of the application. (Exhibits 29, 58, 74.)

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 relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and

[3] ANC 6C submitted their report prior to the amendments to the relief, however, the proposed project did not change.

[4] The OP report cited the relief from the alley lot minimum yard requirements as Subtitle E § 5100.1(d), the correct citation for the regulation is Subtitle E § 5100.2(c).

- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

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:

- Special exception from the new alley record lot access requirements of Subtitle U § 600.1(f)(6)(A) and (B), pursuant to Subtitle U § 601.1(f) and Subtitle X § 901.2 (*24 feet minimum required, 10 feet proposed – all lots*)
- Special exception from the public alley width frontage requirements of Subtitle C § 306.1(a) and (b), pursuant to Subtitle C § 306.5 and Subtitle X § 901.2 (*24/15 feet minimum required, 10 feet proposed – all lots*)
- Special exception from the alley lot minimum side yard requirements of Subtitle E § 5100.2(c), pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*5 feet minimum, 0 feet proposed – Lot C*)
- Special exception from the minimum alley centerline setback requirements of Subtitle E § 5100.2(e), pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*7.5 minimum required, 5 feet proposed – Lot A*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 60 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **5-0-0** (Paul Goldstein, Melissa Lindsjo, Michelle Pourciau, Robyn Jackson Wells, and Anthony J. Hood to APPROVE)

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: October 14, 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.

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 § 703.10, 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.