

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21226
Alexander-Benons, LLC
1206 Staples Street, NE (Square 4067, Lot 58)

HEARING DATES: February 12, March 19, April 9, and April 30, 2025
DECISION DATE: April 30, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a third story with roof deck and a three-story with basement rear addition, and convert to a flat, an existing, attached, two-story with basement, principal dwelling unit in the RF-1 zone:

- Special Exception from the roof top or upper floor element requirements of Subtitle E § 204.1, pursuant to Subtitle E § 204.4 and Subtitle X § 901.2
- Special Exception from the rear yard requirements of Subtitle E § 207.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*20 feet minimum required, 36.83 feet existing, 17.83 feet proposed*)
- Special Exception under the rear addition requirements of Subtitle E § 207.5, pursuant to Subtitle X § 901.2 (*10 feet beyond rear wall maximum permitted, 11.5 feet proposed*)
- Special Exception from the lot occupancy requirements of Subtitle E § 210.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*60% maximum permitted, 42.87% existing, 65.67% proposed*)

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 48 (Final Revised); Exhibit 10 (Original).)¹

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5D, 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).

Angela Nicholas filed a request for party status in opposition, then withdrew the request at the February 12, 2025 public hearing. At the March 19, 2025 hearing, the Board denied an untimely request for party status in opposition from Mark Stilp.

¹ The original Zoning Administrator Memorandum in Exhibit 10 included special exception relief from the penthouse height requirements of Subtitle C 1501.1(b) and from the penthouse setback requirements of Subtitle C § 1504.1(a). The Applicant submitted final revised plans in Exhibits 49A1 and 49A2, which removed the need for penthouse relief, following the review of the Zoning Administrator.

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 February 11, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 27.) The ANC report raised no issues or concerns.

Commissioner Anna Roblin (5D03) submitted a letter in support of the application. (Exhibit 31.) Commissioner Roblin also testified at the March 19th public hearing in opposition to the application as an individual, then at the April 9th hearing, on behalf of ANC 5D noting the ANC's support.

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

- The preliminary OP report, dated January 31, 2025, did not provide a recommendation. (Exhibit 20.)
- The first supplemental OP report, dated March 7, 2025, recommended denial of the special exception for penthouse height relief pursuant to Subtitle C § 1501.1(b) and recommended approval for the remaining special exceptions.² (Exhibit 38.)
- The second supplemental OP report, dated April 2, 2025, recommended approval of the amended application. (Exhibit 43.)

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 21.)

PERSONS IN OPPOSITION. The Board received two letters from neighbors in opposition to the application. (Exhibits 32 and 44.)

Mark Stilp testified in opposition at the March 26 and April 9 public hearing.

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:

² The report recommended approval of the special exception for penthouse setbacks pursuant to Subtitle C § 1504.1(a) if the Board decided to approve the relief from the penthouse height requirements.

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- 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
- 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 roof top or upper floor element requirements of Subtitle E § 204.1, pursuant to Subtitle E § 204.4 and Subtitle X § 901.2
- Special Exception from the rear yard requirements of Subtitle E § 207.1, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (*20 feet minimum required, 36.83 feet existing, 17.83 feet proposed*)
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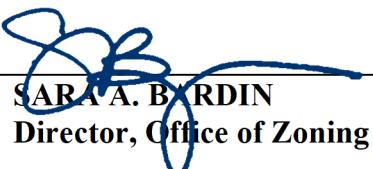
Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibits 49A1 and 49A2 of the record, as required under Subtitle Y §§ 604.9 and 604.10,

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. BYRDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 6, 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.