



Government of the District of Columbia
**Advisory Neighborhood
Commission 6C**

September 8, 2025

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: BZA 21333 (409 E. Capitol St. SE)

Dear Members of the Board,

On July 9, 2025, at a duly noticed and regularly scheduled monthly meeting with a quorum of seven out of seven commissioners and the public present via videoconference, this case came before ANC 6C. The commissioners voted 7-0 to support the application and to authorize Vice-Chair Mark Eckenwiler (6C04) to represent the ANC in this proceeding.

Party Status

ANC 6C has automatic party status in this case. The 400 block of East Capitol Street forms a part of our southern boundary; as a result, we are an “affected ANC” for cases involving properties, such as this one, directly across the street. *See* 11-Y DCMR § 101.8.

The Application

The applicant seeks relief in two areas. First, there is a request to construct a rear addition bringing lot occupancy up to 70%.

The rear addition would have no windows on the sides. Sun/shade studies prepared by the applicant show a minimal increase in shadows cast on the abutting houses/yards compared what could be built as a matter of right. The upper-story terrace would face north (toward the front of the property) and thus not overlook the adjacent rear yards. And the addition would not be visible from the opposite sidewalk, as illustrated by the submitted sightline study.

Given these facts, we conclude that the addition would not have a substantial adverse impact on the air, light, or privacy afforded to the abutting dwellings nor would it have any adverse impact on the character, scale, and pattern of this block front as viewed from the public right-of-way. As a result, the application satisfies the special exception standards of section E-5201.

In preparing the application for the special exception, the applicant discovered the need for a second, unrelated area of relief: a use variance to allow for office use.

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For many years, the ground floor of this property was occupied by a dry cleaner. After that use was discontinued, the space was soon after put to office use by the current tenant, a design firm.

Use variances are generally difficult to justify and require a showing of an exceptional condition and associated undue hardship. ANC 6C finds that the specific use history of this property qualifies as such a unique condition and that the cost of converting office space to a residential unit, were the variance to be denied, constitutes the necessary hardship. As a result, we believe this to be the rare case in which a use variance is warranted.

ANC 6C accordingly recommends that the Board approve the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Eckenwiler".

Mark Eckenwiler
Vice-Chair, ANC 6C

cc: Martin Sullivan (counsel for applicant)
ANC 6B