

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



**BZA Application No. 21406  
Consys, Inc.  
2502 Martin Luther King Jr. Ave., SE (Square 5868, Lot 175)**

**HEARING DATE:** June 3, 2026<sup>1</sup>  
**DECISION DATE:** June 3, 2026

**SUMMARY ORDER**

**RELIEF REQUESTED.** The application requests the following relief in order to construct a new, detached, four-story plus penthouse and roof deck, 37-residential unit mixed-use building in the MU-4/RA-1 zones:

- Special exception from the minimum vehicle parking requirements of Subtitle C § 701.5, pursuant to Subtitle C § 703.2 and pursuant to Subtitle X § 901.2 (*5 minimum required, 5 temporary spaces existing, 0 proposed*)
- Special exception from the zone boundary line crossing a lot requirements of Subtitle A § 207.2, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 19.)<sup>2</sup>

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8A and 8B, 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 8A REPORT.** The ANC did not submit a report to the record.

**ANC 8B REPORT.** The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 24, 2026, at which a quorum was present, the ANC voted to support the application. (Exhibit 33.) The ANC report raised no issues or concerns.

---

<sup>1</sup> The Application was administratively rescheduled twice from its original February 4, 2026, public hearing date.

<sup>2</sup> The final self-certification in Exhibit 19 added a reference to C § 701.5 for the relief request from the minimum vehicle parking requirements, with no other updates from the original self-certification in Exhibit 3.

**OFFICE OF PLANNING (“OP”) REPORT.** OP submitted a report recommending approval of the application. (Exhibit 26.)

**DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT.** DDOT submitted a report indicating that it had no objection to the application because it concluded that with the conditions the relief would not result in any adverse impacts to the District’s transportation network. (Exhibit 27.) DDOT’s recommendation included conditions that the Applicant implement the Transportation Demand Management Plan and Loading Management Plan referenced in the report. The conditions were adopted by the Board in the final order.

**PERSONS IN SUPPORT.** The Board received one letter from a neighbor in support of the application. (Exhibit 29.)

**PERSONS IN OPPOSITION.** The Board received one letter from a neighbor in opposition to the application. (Exhibit 23.)

### **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
- 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 minimum vehicle parking requirements of Subtitle C § 701.5, pursuant to Subtitle C § 703.2 and pursuant to Subtitle X § 901.2 (*5 minimum required, 5 temporary spaces existing, 0 proposed*)
- Special exception from the zone boundary line crossing a lot requirements of Subtitle A § 207.2, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 24A<sup>3</sup> of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITIONS**:

1. The Applicant shall implement the Transportation Demand Management Plan and Loading Management Plan as written in the DDOT report, Exhibit 27.

**VOTE: 4-0-1** (Michelle Pourciau, Paul Goldstein, Melissa Lindsjo, and Anthony J. Hood 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:** June 10, 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

---

<sup>3</sup> The Applicant proposed two lobby options and at the request of the Board the Applicant verbally selected Lobby Option Two on Sheet A13 of the plan in Exhibit 24A as their final submission. The Board subsequently approved the relief pursuant to the plans in Exhibit 24A and Lobby Option 2, increasing the number of proposed dwelling units from 36 to 37.

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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.