

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 20437 of Datis Properties, LLC**, as amended, for special exceptions from the residential conversion requirements of Subtitle U § 320.2 and the rear addition requirements of Subtitle E § 205.4, pursuant to Subtitle E §§ 205.5 and 5201, and Subtitle X § 901.2 to construct a third story and a three-story rear addition, and to convert an existing two-story, detached, principal dwelling unit to a three-story, semi-detached, three-unit residential building in the RF-1 Zone at premises 1819 A Street, SE (Square 1111, Lot 96).

**HEARING DATES:** April 14, 2021 and May 26, 2021  
**DECISION DATE:** May 26, 2021

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 41B (Final Revised); Exhibit 32B (Revised); Exhibit 4 (Original)).<sup>1</sup>

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 9, 2021, at which a quorum was present, the ANC voted to support the application. (Exhibit 30.) ANC Commissioner Holman testified in support at the public hearing, and the ANC also filed a supplemental report in response to the Applicant's revised application expressing support for the revisions. (Exhibit 42, 42A-B.) The ANC's supplemental report also requested guidance from the Board regarding special exception relief under Subtitle E § 206.1 and raised questions about the scope of the Board's design review authority. The Board determined that this issue is ultimately beyond its authority as stated in Subtitle Y, Chapter 1 and D.C. Official Code §§ 6-641.07(e)-(g) and instead requires further review and guidance by the Office of

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<sup>1</sup> The application was amended to add (Exhibit 32B) and then withdraw (Exhibit 41B) relief from Subtitle E § 206.1, special exception from the rooftop element requirements.

**BZA APPLICATION NO. 20437**  
**PAGE NO. 2**

Planning and the Zoning Commission, pursuant to Subtitle Z § 100.3-100.4 and D.C. Official Code §§ 6-641.01.

OP Report. The Office of Planning submitted a report recommending approval of the application (Exhibit 34) and testified at the hearing in support of the revised application.

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 35.)

Persons in Support. The Board received four form letters from neighbors in support of the application. (Exhibits 25, 26, 28, and 29.)

Persons in Opposition. The Board received a letter in opposition from the Capitol Hill Restoration Society. (Exhibit 38.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions from the residential conversion requirements of Subtitle U § 320.2 and the rear addition requirements of Subtitle E § 205.4, pursuant to Subtitle E §§ 205.5 and 5201, and Subtitle X § 901.2 to construct a third story and a three-story rear addition, and to convert an existing two-story, detached, principal dwelling unit to a three-story, semi-detached, three-unit residential building in the RF-1 Zone.

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 relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS<sup>2</sup>** at **EXHIBIT 41C**.

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<sup>2</sup> Self-certified: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

**VOTE: 3-1-1** (Frederick L. Hill, Carl H. Blake, and Chrishaun S. Smith to APPROVE;  
Michael G. Turnbull opposed to motion; Lorna L. John not participating).

**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 8, 2021

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 AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 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

**BZA APPLICATION NO. 20437**

**PAGE NO. 4**

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.