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

**APPLICATION OF  
Andy and Debbie Wilson, LLC  
(Square 5776, Lot 812)**

**STATEMENT OF THE APPLICANT**

*Please allow this statement to supersede the prior Burden of Proof uploaded to IZIS.*

This statement is submitted on behalf of the Applicant, Andy and Debbie Wilson, LLC (the “Applicant”), the owner of property located at 1531 U Street, S.E., Washington, D.C. 20020 (Square 5776, Lot 812) (the “Property) in support of its application for special exception relief, pursuant to 11 DCMR Subtitle X § 901.2, to participate as a Voluntary Inclusionary Zoning Development (Subtitle C § 1001.2(b)(3) and Subtitle D § 5206.2) and apply the Inclusionary Zoning lot width and lot area requirements for the R-3 zone (Subtitle D § 302.5). In addition, this statement supports the need for special exception relief pursuant to Subtitle D § 5201.1, to the lot occupancy requirements for the R-3 zone for semi-detached dwelling units (Subtitle D § 304.1).

**I. JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the Applicant’s requested special exception requests herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

**II. PROPERTY BACKGROUND**

**A. Property Features and the Surrounding Neighborhood**

The Property is currently a single lot (Square 5776, Lot 812) located in the R-3 zone district and has a total land area of approximately 5,040 SF. A copy of the zoning map is attached hereto as **Exhibit A**. The Property is currently undeveloped, except for an existing single-family dwelling which encroaches 18 feet into the Property from its eastern boundary. A certified survey of the Property is attached hereto as **Exhibit B**. The Property fronts U Street SE and is located approximately 50 feet to the west of the intersection of U Street SE and 16<sup>th</sup> Street SE.

The Property is located in the Historic Anacostia neighborhood. The surrounding area includes grade schools such as Ketcham Elementary School and Anacostia Elementary Campus and is generally residential in nature. Homes in the nearby area predominantly consist of row dwellings and low- to moderate-density apartment buildings. The Frederick Douglas National Historic Site is located two blocks to the south of the Property. The Historic Anacostia neighborhood is a historic district of Washington, D.C.

**B. Traffic Conditions and Mass Transit**

The Property is serviced by public transportation and is classified as “somewhat walkable” and as having “good transit” per walkscore.com. The Property is approximately 0.9 miles from the Anacostia Metro Station on the Metro’s Green Line. In addition, there are multiple bus stops within one or two blocks of the Property, located along Good Hope Road, 16<sup>th</sup> Street, and W Street SE.

**C. The Project**

The Applicant proposes to subdivide the Property into three lots (collectively, the “Proposed Lots”) with continuous frontage along U Street SE. A copy of the proposed subdivision plat for 1531 U Street SE is attached hereto as **Exhibit C**. Proposed Lot A will be 17.12 feet in width; Proposed Lot B will be 17.12 feet in width; and Proposed Lot C will be 21.75 feet in width.

See **Ex. C**. The lot areas for Proposed Lot A, Proposed Lot B, and Proposed Lot C will be 1,606 SF, 1,603 SF, and 1,830 SF, respectively. See **Ex. C**. The Applicant seeks to construct two single family row dwellings on Proposed Lot A and Proposed Lot B of the Proposed Lots (the “Project”). The Applicant plans to retain and renovate the existing semi-detached dwelling located on Lot C. A copy of the architectural plans and elevations are attached hereto as **Exhibit D**. As part of the Project, the unit on each of the proposed three lots will voluntarily be an Inclusionary Zoning (“IZ”) unit. The rear lot line for each of the proposed lots will continue to abut the shared lot line with Lot 808.

The proposed row dwellings on Proposed Lot A and Proposed Lot B will be approximately 28 feet in height and the row dwelling on Proposed Lot C will be approximately 26 feet in height – all well under the 40 feet permitted in the R-3 zone. See **Ex. D**. All three proposed dwellings will have two stories plus a walk-out basement. *Id.* Each of the proposed dwellings are exempt from parking because they do not have access to an open improved alley. See Subtitle C § 702.3(a). The lot coverage on Proposed Lots A, B, and C will be 962 SF (59.9%); 962 SF (60%); and 948 SF (51.8%), respectively. In the R-3 zone, row dwelling units lot occupancy is 60%, while all other structures have a lot occupancy of 40%. Therefore, the row dwellings on Proposed Lots A and B will have a permitted lot occupancy of 60% while Proposed Lot C will have a permitted occupancy of 40%. The Applicant is requesting special exception relief to increase the lot occupancy by 11.8% on Lot C pursuant to Subtitle D § 5201.1 which allows for lot occupancy up to 70%. Each of the proposed front setbacks will be within the range of existing front setbacks of adjacent homes along U Street SE.

### **III. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW**

The Applicant seeks special exception relief for the reduced lot widths of 17.12 feet, 17.12 feet, and 21.75 feet for Proposed Lot A, Proposed Lot B, and Proposed Lot C, respectively, in the R-3 zone. *See* **Ex. D**. The Applicant additionally seeks special exception relief for the reduced lot areas of 1,606 SF, 1,603.7 SF, and 1,830 SF for Proposed Lot A, Proposed Lot B, and Proposed Lot C, respectively, in the R-3 zone. *See* **Ex. D**. Under Subtitle C § 1001.2(b)(3) and Subtitle D §§ 302.5 and 5206.2, minimum lot width is 16 feet and minimum lot area is 1,600 SF for voluntary inclusionary development in the R-3 zone, provided the Project voluntarily complies with IZ and meets the special exception standards.

In addition, The Applicant seeks special exception relief for the lot occupancy of 51.8% for Proposed Lot C, in the R-3 zone. Under Subtitle D § 304.1, maximum lot occupancy for row dwellings is 60% while all other structures is 40%. Proposed Lots A and B meet these coverage requirements, while the Applicant is requesting relief for an increased lot occupancy percentage of 11.8% for Proposed Lot C. Under Subtitle D § 5201.1, all dwelling units in the R-3 zone are allowed by special exception to increase the maximum lot occupancy up to a maximum of 70%.

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X 901.2, the Board is authorized to grant special exception relief where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Will meet such special conditions as specified in the Zoning Regulations.

*See* Subtitle X § 901.2.

Special exception relief is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided that the specific requirements for relief are met.

In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Wash. V. District of Columbia Bd. Of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. Of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

#### **IV. APPLICANT MEETS ITS BURDEN FOR SPECIAL EXCEPTION RELIEF**

##### **B. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps.**

The Project is harmonious with the general purpose and intent of the R-3 zone district. The purpose of the R-3 zone is “to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings.” *See* Subtitle D § 300.6. The Project proposes to subdivide one lot into three smaller lots and to develop the proposed lots into two new row dwellings and the existing semi-detached dwelling with continuous frontage along U Street SE. The surrounding neighborhood predominantly features row dwellings and semi-detached dwellings on narrow lots, and the Project will be within the existing range of row home lots in the neighborhood. Therefore, the Project’s proposed three lots will be in harmony with similar nearby properties and the general purpose and intent of the R-3 Zone District.

Further, special exception for reduced lot width and lot area in the R-3 zone requires the Applicant to provide IZ units. *See* Subtitle C §§ 1001.2(a) and 1001.2(b)(3). In order to meet the IZ requirement, the Applicant proposes that each of the three (3) units in the subdivision will be IZ units. With regard to the lot occupancy requirements, special exceptions allow a maximum of 70% pursuant to Subtitle D § 5201.1. The Applicant is proposing lot occupancy of 59.9%, 60%,

and 51.8% respectively on the three Proposed Lots, and only Lot C requests the special exception relief.

**B. The Relief Sought Will Not Tend to Adversely Affect the Use of Neighboring Property.**

The use of neighboring property will not be adversely affected by the Project's reduced lot width, reduced lot area widths, or increased lot occupancy for the three (3) proposed lots. The Property will not improperly affect any light or air available to neighboring properties and the Property is adjacent to similarly sized lots with similarly styled dwellings as are proposed in the Project. Therefore, the Project will have no negative impact on the uses of neighboring property.

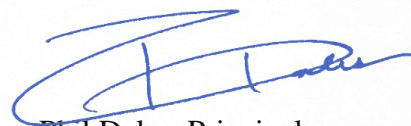
**V. STATEMENT REGARDING COMMUNITY OUTREACH**

The Applicant has presented to both the Board and full ANC group for ANC 8A. The Applicant has received support from the group and continued to provide opportunities to meet should the group request it.

**VI. CONCLUSION**

For the reasons stated above, the Project meets the applicable standards for the requested special exception relief under the Zoning Regulations. Therefore, the Applicant respectfully requests that the Board grant its application.

Sincerely,



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