

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

Application of HDR Holdings, LLC for a Special Exception and Area Variance

3519 Connecticut Avenue NW (Sq. 2222, Lot 0015)

**STATEMENT OF THE APPLICANT**

HDR Holdings, LLC (referred to herein as the “Applicant” or “Wonder”) as the prospective lessee of the property located at 3519 Connecticut Avenue NW (Sq. 2222, Lot 0015) (the “Property”), now seeks a special exception and an area variance to establish a new “Wonder” location on the Property. Wonder is an innovative food establishment that partners with award winning and iconic chefs and restaurants to provide signature dishes at each of its neighborhood-serving locations. While the Applicant does not consider Wonder a traditional “fast food” restaurant, the proposed restaurant is classified as a “fast food establishment” under the District of Columbia Zoning Regulations. Therefore, because the Property is located in the NMU-4/CP zone, the Applicant seeks a special exception and an area variance to establish a new fast food establishment on the Property pursuant to 11 DCMR, Subtitle H, Section 6007 and Subtitle X, Chapter 10.

**I. BACKGROUND**

The Property is zoned to the NMU-4/CP zoning district and is currently improved with an historic shopping center known as “Sam’s Park and Shop.” The proposed tenant space for the new Wonder establishment has an address of 3519 Connecticut Avenue NW and is the former location of Weygandt Wines. The Property is located within the Cleveland Park Historic District and is located adjacent to the east entrance for the Cleveland Park Metro station.

## **II. NATURE OF RELIEF REQUESTED**

The Applicant proposes to establish a new Wonder location at 3519 Connecticut Avenue NW. Though Wonder is classified as a fast food establishment under the D.C. Zoning Regulations, thereby requiring a special exception from the Board of Zoning Adjustment (“Board”) to operate in the NMU-4/CP zone, Wonder restaurants are distinct from a traditional fast food use. As noted above, Wonder is a new and innovative food establishment that partners with award winning national chefs and restaurants to bring first class cuisine to local neighborhoods. Wonder is also seeking an area variance due to the inability to provide a brick-enclosed refuse dumpster as required under Subtitle H, Section 6007.1(e)(2)(D).

The new proposed location in Cleveland Park will provide dine-in, delivery, and take-out to local customers. All food will be prepared to-order at the Cleveland Park location. A proposed interior layout of the new Wonder location was filed as Exhibit 10 to the case record herein. Illustrative renderings of the proposed interior of the new Wonder location were filed as Exhibit 11 to the case record. Seating will be provided for 10-15 guests and orders will be placed through the online “app” or through self-serve order kiosks in the Wonder location. Tech-forward order processing and management will ensure efficiency as well as food quality. Wonder will actively manage couriers for delivery to ensure efficient and safe delivery operations. Wonder expects to employ a maximum of 13 employees at this location during peak hours and hours of operation will be between 11:00am and 10:00pm. No changes will be made to the Property or the exterior of the existing building in which the Wonder restaurant will be established, with the exception of signage. No drive-through is proposed.

### **III. Special Exception Relief for a Fast Food Establishment Pursuant to 11 DCMR, Subtitle H, Section 6007**

The Board may approve a special exception to allow a fast food establishment in the NMU-4/CP zone under Subtitle X of the D.C. Zoning Regulations, in accordance with the standards and requirements in Subtitle H, Section 6007.

#### **A. Special Exception Standards Under Subtitle H, Section 6007.**

Pursuant to Subtitle H, Section 6007.1(e)(2), a fast food establishment shall be permitted as a special exception in the NMU-4/CP zone subject to the following conditions:

**(a) The uses shall not be permitted in the MU-4/WP zone;**

The Property is zoned to the NMU-4/CP zoning district.

**(b) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of any R, RA, or RF zone unless separated therefrom by a street or alley;**

The Property is separated by an alley from the neighboring RA-1 zone to the east.

**(c) If any lot line of the lot abuts an alley containing a zone boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;**

The existing building on the Property extends the full width of its lot line adjacent to the alley.

**(d) Any refuse dumpsters shall be housed in a three- (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face an R, RA, or RF zone;**

The Applicant is seeking an area variance for relief from this requirement. Existing refuse facilities for the shopping center are provided to the rear of the principal structure in the alley accessible from Ordway Street NW.

**(e) The use shall not include a drive-through;**

No drive-through is proposed.

**(f) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone boundary line for a residential zone; and**

The customer entrance will be located at the front of the building.

**(g) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;**

Wonder will operate this new location in an efficient, clean, and safe manner that will not become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions. There will be no impacts from the proposed Wonder restaurant on the residential properties to the east of the Property as all operations will occur inside and at the front of the restaurant location. The existing parking lot will provide adequate parking on-site for the proposed use and all delivery couriers will be able to use the existing parking lot for pick-up and delivery. The proposed Wonder restaurant will operate harmoniously with the existing shopping center, which includes a mix of retail stores and food establishments. The hours of operation for the proposed restaurant will be 11:00am to 10:00pm.

**B. Special Exception Standards Pursuant to Subtitle X, Chapter 9**

Pursuant to Subtitle X, Chapter 9, the special exception relief requested must also meet the standards set forth in Section 901.2, which states that the Board may grant a special exception when the relief requested:

**(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**

The proposed Wonder location will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Neighborhood Mixed Use zones are “designed to

provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas.” See 11 DCMR, Subtitle H, Section 101.1. Additional goals of the Neighborhood Mixed Use zone are below:

(a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;

(b) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;

(c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;

(d) Encourage a general compatibility in scale between new and older buildings;

(e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;

(f) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement.

*Id.*, Section 101.2

The proposed Wonder location is in harmony with the goals and purpose of the Neighborhood Mixed Use zones. Wonder will be a neighborhood-serving food establishment that will be located at ground-level with an existing shopping center that provides excellent access for vehicles, pedestrians, and Metro riders. The existing parking lot on the Property will allow for safe and efficient operations for pedestrians and motor vehicle movement. No changes are proposed to the exterior of the existing building on the Property as part of this application. No drive-through is proposed.

**(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**

The proposed Wonder location will not affect adversely the use of neighboring properties. As noted, the proposed location is located within an established shopping center. Further, all operations will be located within the building and oriented towards the front of the site. No impacts should be felt to the rear of the Property. Proposed hours of operations will be 11:00am to 10:00pm to ensure that there are no impacts to nearby properties in the early morning or late evening hours. Additionally, no alcohol will be served at this location.

**(c) Will meet such special conditions as may be specified in this title.**

As noted above, the proposed relief meets the special conditions found in Subtitle H, Section 6007 except as to Section 6007.1(e)(2)(D), for which an area variance is requested.

**IV. AREA VARIANCE RELIEF FROM THE REQUIREMENTS OF SUBTITLE H, SECTION 6007.1(e)(2)(D) RELATED TO REFUSE DUMPSTERS.**

The Applicant is seeking an area variance from the requirement in Section 6007.1(e)(2)(D) related to a required six-foot high brick enclosure of any refuse dumpsters. The Applicant seeks an area variance given that the building on the Property is a contributing building in the Cleveland Park Historic District and the rear wall of the existing historic shopping center building in the vicinity of the proposed Wonder location is located on the property line. The Applicant, therefore, requests an area variance because the Applicant seeks to deviate from “[p]reconditions to the establishment of a matter of right or special exception use provided that the variance would not cause the proposed use to meet the definition of a more intense use.” *See* 11 DCMR Subtitle X, Section 1001.3(f).

**A. Variance Relief Standards Pursuant to Subtitle X, Chapter 10**

Pursuant to Subtitle X, Section 1000.1 the Board has the authority to grant a variance as follows:

**With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."**

In addition, the standard for granting an area variance pursuant to Section 1002.1(a) follows:

- (a) An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property.**

According to the D.C. Court of Appeals, "[t]o support a variance it is fundamental 'that the difficulties or hardships [be] due to unique circumstances peculiar to the applicant's property and not to the general conditions in the neighborhood.'" *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (1990) (citing *Palmer v. Bd. of Zoning Adjustment*, 287 A.2d 535, 539 (D.C. 1972)). In applying this test, however, there "is no requirement that the uniqueness 'inheres in the land at issue . . . .'" *Id.* (citations omitted). Furthermore, the requirements "do not preclude the approval of a variance where the uniqueness arises from a

confluence of factors.” *Id.*; see BZA Order 19309 (citing *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, “extraordinary circumstances” need not be limited to physical aspects of the land and finding uniqueness based on confluence of restrictive covenants, position of adjacent building and common ownership of contiguous properties); *Downtown Cluster of Congregations v. District of Columbia Bd. of Zoning Adjustment*, 675 A.2d 484, 491 (D.C. 1996) (affirming a Board of Zoning Adjustment decision based on a confluence of small footprint of building, limited vertical access, and proximity to public transportation created uniqueness)).

**B. Extraordinary or Exceptional Situation or Condition of the Property**

In this case, a “confluence of factors,” leads to an extraordinary or exceptional situation or condition on the Property. These factors include the historic nature of the Property and the building thereon, as well as the fact that the existing building sits on the rear property line in the vicinity of the proposed Wonder location.

The retail building located on the Property, built in 1930, is known as “Sam’s Park and Shop” and was one of the earliest examples of the strip mall style of retail architecture built to accommodate the automobile. Sam’s Park and Shop is a contributing building in the Cleveland Park Historic District. According to the nomination form for the Cleveland Park Historic District, Sam’s Park and Shop “is an integral component of the Cleveland Park commercial node, the finest example in the District of a contained, linear retail center from the 1920’s and 1930’s.” *See* Ex. 1, National Register of Historic Places Nomination Form for Cleveland Park Historic District at p. 71. As such, any attempt to build a six-foot high brick enclosure on the Property would require approval from the Historic Preservation Review Board and would change the historic appearance and character of the existing shopping center.



In BZA Case No. 19309, the BZA stated that it “has found on numerous occasions that being identified as a contributing building in a historic district constitutes a portion of the confluence of factors that establish an ‘exceptional condition.’” The BZA in case 19309 further found that the historic nature of the building, along with other factors including the “unique subdivision history” and “grade change,” lead to a “confluence of factors that apply uniquely and exceptionally to the Property.” Here, the historic nature of the Property combined with the fact that the rear wall of the historic shopping center sits directly on the property line in the vicinity of the proposed Wonder location provides a confluence of factors that establish an exceptional condition on the Property.

### **C. Peculiar and Exceptional Practical Difficulties**

In reviewing whether an Applicant has demonstrated a practical difficulty, the Applicant must demonstrate that “compliance with the area restriction would be unnecessarily burdensome” and that the practical difficulty is “unique to the particular property.” *Gilmartin*, 579 A.2d at 1170 (citations omitted). As part of its assessment of the practical difficulty test, the Board may consider the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976). The confluence of factors discussed above creates peculiar and exceptional difficulties for the Applicant because without the relief requested, it would be unable to either: (a) construct a six-foot high brick trash enclosure without changing the historic appearance and character of the existing shopping center; and (b) even if such an enclosure were permitted, there is no location on the Property in the vicinity of the proposed Wonder retail bay where such a structure could be built.

**D. No Substantial Detriment to the Public Good or Substantial Impairment of the Intent, Purpose, and Integrity of the Zone Plan**

As noted above, the proposed Wonder location will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Neighborhood Mixed Use zones are “designed to provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas.” *See* 11 DCMR, Subtitle H, Section 101.1. Further, there will be no substantial detriment to the public good. As noted, the proposed location is located within an established historic shopping center. Proposed hours of operations will be 11:00am to 10:00pm to ensure that there are no impacts to nearby properties in the early morning or late evening hours. Additionally, no alcohol will be served at this location.

With respect to the handling and management of refuse, the proposed Wonder location will use the trash dumpsters already located in the alley behind the existing shopping center building, much like the other retailers in this shopping center. Given the significant grade change and wooded buffer area between the rear of the Property, Porter Street, and the residential buildings to the east, these existing trash dumpsters should have little to no effect on neighboring properties. Photographs of the rear alley behind the Property and the buffer from Porter Street are attached as Exhibit 2. Wonder will actively manage refuse and trash collection and disposal to ensure that the refuse area is always kept clean and organized. Wonder will also ensure proper pest management and prevention in both the Wonder location and the dumpster area behind the building.

**V. COMMUNITY ENGAGEMENT**

The Applicant presented this project to ANC 3C’s Planning, Zoning, Housing & Economic Development Committee and the full ANC voted to support this project at its March 2025 meeting.

See Ex. 18 in the case record (BZA Case No. 21291). The Applicant will continue to engage with ANC 3C, neighbors, and the community as this project moves forward.

## **VI. WITNESSES**

The following witnesses will appear on behalf of the Applicant at the Board hearing on this Application:

1. Jason Bottcher, HDR Holdings, LLC (Wonder): Mr. Bottcher is the Associate Director of Governance at Wonder and is overseeing this application.

## **VII. CONCLUSION**

For all of the reasons discussed above, the Applicant respectfully requests that the Board approve this application for a special exception and area variance.

A handwritten signature in black ink, appearing to read "Zach Williams", written over a horizontal line.

Zachary G. Williams, Esq.  
Venable LLP  
Authorized Agent for the Applicant