138 Wilmington Place SE

BZA Application No. 21442 · Keyline Homes LLC

Amended application: special exceptions and area variances for a new one-family dwelling

Square 6093, Lot 0815 · R-2 Zone · ANC 8D08



Board of Zoning Adjustment
District of Columbia
CASE NO. 21442
EXHIBIT NO. 32

Relief requested, as amended

Requirement	Section	Required	Proposed	Relief and authority
Front setback	D § 206.2	30 ft.	27 ft.	Special exception, D § 5201.1(b)
Rear yard	D § 207.1	20 ft. min.	9 ft.	Special exception, D § 5201.1(b)
Side yard	D § 208.3	8 ft. min.	0 ft.	Special exception, D § 5201.1(b)
Lot occupancy	D § 210.1	40% max.	50%	Special exception, D § 5201.1(a)
Lot dimensions	D § 202.1	30 ft. / 3,000 sq. ft.	16 ft. / 1,136 sq. ft.	Area variance, X § 1002.1(a)
Building type	D § 200.4	Detached or semi-detached	Detached, no side yards	Area variance, X § 1002.1(a), per OP

Amended: the front setback (D § 206.2) moves from variance to special exception under D § 5201.1(b).

Added: an area variance from D § 200.4 (building type), at OP's recommendation.

A 16-foot remnant lot on a dead-end street



16 ft.

lot width (30 ft. required)

1,136 sq. ft.

lot area (3,000 required)

71 ft.

lot depth

- Vacant A&T lot, the smallest and narrowest in Square 6093
- The panhandle portion of former Lot 0058
- Between two detached homes: 136 Wilmington (west) and 140 Wilmington (east)
- 3740 Horner Place to the north, more than 20 ft. from the shared line

A modest one-family home with a red brick front



33 ft.

height (40 ft. allowed)

3

stories (3 allowed)

50%

lot occupancy

40%

pervious (30% required)

Exterior materials

Front façade: red brick veneer

Sides and rear: vinyl or fiber-cement (Hardiplank) siding

Design features

- No windows on the side walls
- Third floor recessed at the front and rear
- Single dwelling unit, no parking required
- DDOT: no objection (Ex. 21)

The neighborhood fabric: brick homes of two and three stories



NORTH SIDE
Brick Cape Cod with dormers, set above the street



NORTH SIDE, EAST
Three-story brick townhouses with raised front steps



SOUTH SIDE, OPPOSITE
Two-story red brick semi-detached homes



SOUTH SIDE
Brick semi-detached pair with a front porch hood



SOUTH SIDE, EAST
Brick semi-detached homes with front lawns



STREETSCAPE
Wilmington Place looking east: yards and mature trees

Photographs: Google Street View, Wilmington Place SE, image date June 2022.

The proposed home fits the brick fabric of the block



PROPOSED: 138 WILMINGTON



NORTH SIDE: THREE-STORY BRICK TOWNHOUSES



SOUTH SIDE: RED BRICK SEMI-DETACHED HOMES

How it matches the street

Red brick front

The front façade is red brick veneer, the material of the homes on both sides of Wilmington Place.

Three stories

Within the 3-story, 40-ft. limit, and in scale with the three-story brick townhouses on the block.

Raised entry and front yard

Front steps and a planted front yard repeat the stoops and lawns along the street.

A quiet side profile

No side windows; the third floor is recessed at the front and rear.

Neighbor photographs: Google Street View, image date June 2022. Rendering: Applicant.

Front setback: a special exception under D § 5201.1(b)

1

D § 5201.1(b)

Lets the Board grant special exception relief from the yard requirements of Subtitle D in the R zones.

2

Front setback = yard

The front setback governs the open area between the building and the front lot line, so it falls within (b).

3

Precedent

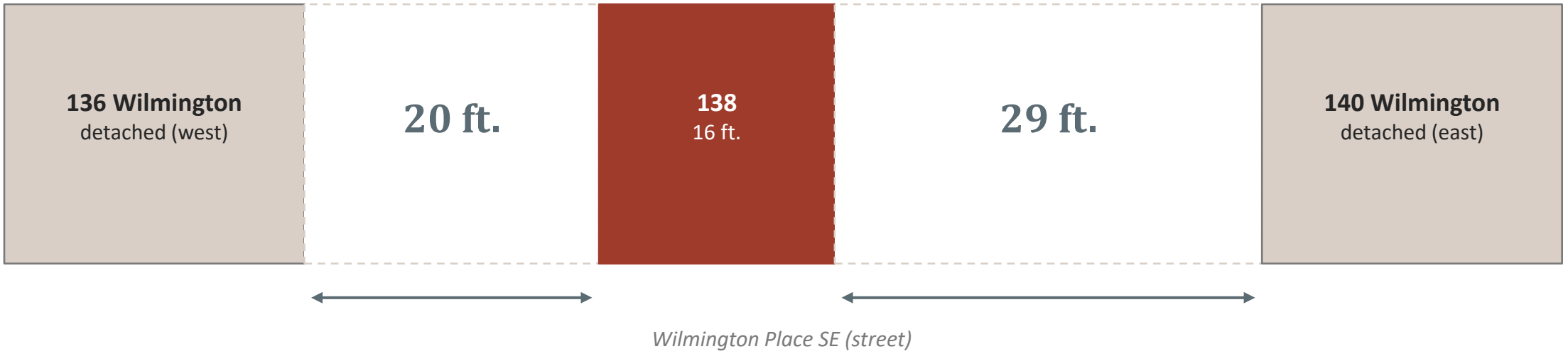
In BZA 19633A, OP reported that the Zoning Administrator and OAG agreed a front setback could be relieved by special exception under § 5201.

4

Small deviation

27 ft. proposed against 30 ft.: a 3-foot (10%) reduction toward the street.

De minimis effect on light and air — D § 5201.4(a)



≈ 49 ft.

of open area flanking a 16-ft.-wide building

2.5× and 3.6×

the 8-ft. side yard the R-2 zone would require

Front setback faces the street

A 3-ft. shift toward Wilmington Place moves no building mass closer to either neighbor.

The remaining special exception conditions are met

X § 901.2(a)

Harmony with the Regulations

A one-family dwelling is a matter-of-right use in R-2; no denser development is introduced.

X § 901.2(b)

No adverse effect on neighbors

Neighbors are set 20 to 29 ft. back; the building to the north is more than 20 ft. away.

D § 5201.4(b)

Privacy protected

No windows on the side walls; third floor recessed at the rear.

D § 5201.4(c)

Graphics provided

Surveyor plat, site plan, plans, elevations, revised rendering and photographs.

D § 5201.5

Special treatment

Red brick veneer front; Hardiplank or vinyl sides and rear; open to Board conditions.

D § 5201.6

No nonconforming expansion

New construction within height and story limits; 50% lot occupancy.

D § 200.4 variance: included out of an abundance of caution

What § 200.4 requires

A principal building in the R-2 zone must be a detached or a semi-detached building.

Why it appears redundant

- The dwelling shares no wall with any building; it is detached in fact
- Full (100%) side yard relief under D § 208.3 already covers the absence of side yards

Why it is included

- Recommended by the Office of Planning
- Leaves no building-type question open at permitting
- Rests on the same facts as the § 202.1 variance

100% side yard relief

requested under D § 208.3

The practical difficulty: the matter-of-right path was lost

1

Remnant lot

The subject lot is the panhandle portion of former Lot 0058

2

Purchase agreement

Applicant agrees to buy the opponent's 140 Wilmington (Lot 808); bank financing letter, July 13, 2021, $500,000

3

Survey

Topographic survey of Lot 808, August 2021

4

Matter-of-right plan

Excise the panhandle, combine with part of Lot 808 into a ~36-ft. lot (30 ft. required)

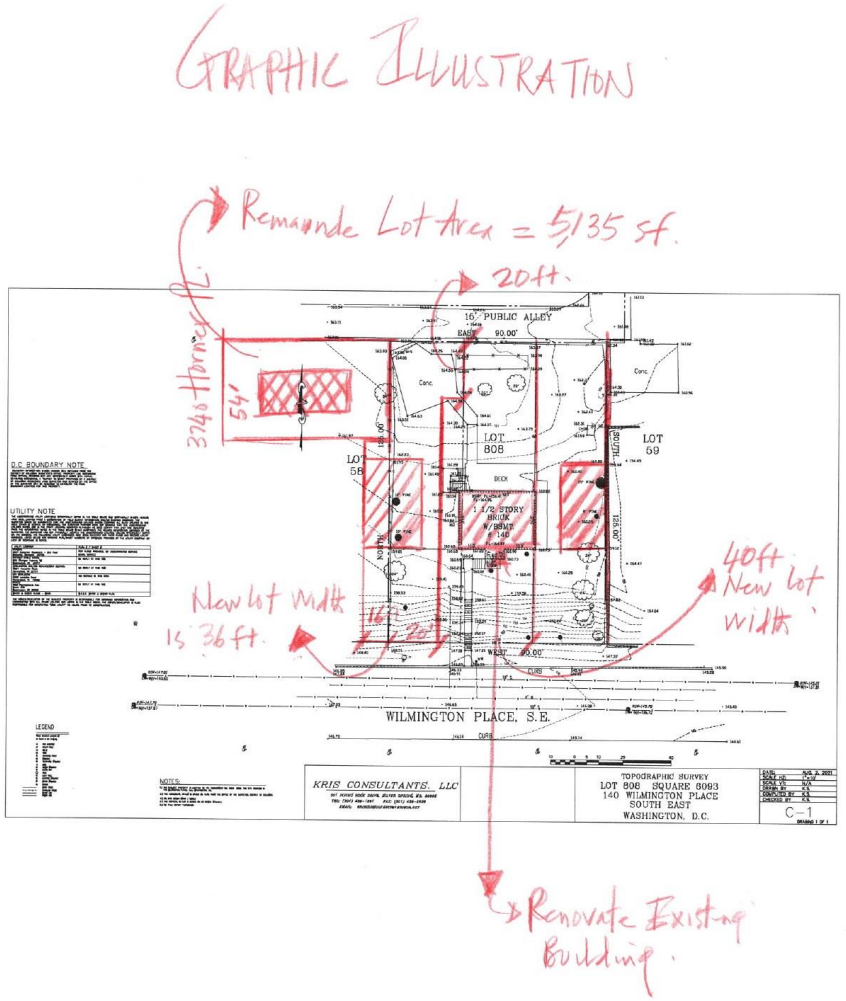
5

Agreement collapses

Purchase falls through; the rest of former Lot 0058, developed by the Applicant, is sold

Result: a 16-ft. remnant that cannot be enlarged from any adjoining parcel. An 8-ft. side yard would leave an 8-ft.-wide house; without relief the lot cannot be built on.

The re-subdivision that would have avoided relief



Graphic Illustration (with the proposed site plan)

- New lot about 36 ft. wide: the 16-ft. subject lot plus about 20 ft. of Lot 808
- Would meet the 30-ft. minimum width for a semi-detached dwelling in R-2
- Balance of Lot 808 re-subdivided; existing home at 140 Wilmington renovated
- Lost when the purchase of the opponent's property fell through

Gilmartin v. D.C. BZA, 579 A.2d 1164, 1168 (D.C. 1990): an exceptional condition may arise from a confluence of factors affecting a single property.

No substantial detriment to the public good or the zone plan

Permitted use

A single-family dwelling, allowed as a matter of right in R-2

Not denser development

One unit, within height and story limits

Neighbors protected

De minimis effect on light, air and privacy

Fits the street

Red brick front façade; DDOT has no objection



Photograph of the Property (record exhibit)

The Applicant asks the Board to approve the application

- Special exceptions under X § 901.2 and D § 5201: D §§ 206.2, 207.1, 208.3 (5201.1(b)) and 210.1 (5201.1(a))
- Area variances under X § 1002.1(a): D § 202.1 and D § 200.4