

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant’s Statement of 1501 ERIE ST CONSTRUCTION LLC**  
**1341 Pennsylvania Avenue, SE (Square 1045, Lot 124).**

**I. INTRODUCTION.**

This Statement is submitted on behalf of 1501 ERIE ST CONSTRUCTION LLC (the “**Applicant**”), owner of the property located at 1341 Pennsylvania Avenue, SE (Square 1045, Lot 124) (the “**Property**”). The Property is located in the MU-4 zone. The Applicant is in the process of developing the Property as a matter-of-right. Building Permit B2109090 was issued in 2023 and permitted the creation of a “new multi-family apartment building on 4 floors plus penthouse and cellar” (the “**Building**”) (the “**Project**”) with 9 residential units and one (1) parking space in the rear yard of the Property. Construction is currently underway.

While the rear triangular portion of the Property might otherwise serve as a feasible location for the required parking space, the adjacent condo building—the Jenkins Row property (1391 Pennsylvania Avenue SE)—claims that the Applicant may not locate a parking space in that area as it allegedly violates an access easement. The neighbors are pursuing litigation which may result in the Applicant’s inability to locate the parking space in the rear. The litigation will likely take well over a year to resolve, and the Applicant is not sure when the litigation will be resolved nor if an injunction will be issued.

Accordingly, the Applicant seeks special exception approval pursuant to C-703.2 from the parking requirements for one parking space. The Applicant would also request that the Board grant flexibility to provide the parking space if the neighbor dispute is resolved in the Applicant’s favor. Without this flexibility, DOB may require the Applicant to return to the Board of Zoning Adjustment as the ZA’s flexibility with respect to BZA Orders does not permit the addition of parking spaces once a Property is subject to BZA Approval.<sup>1</sup>

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<sup>1</sup> While this may seem redundant, in that the only relief needed is for the parking space and therefore once provided, the BZA Approval would not be required, past decisions by DOB in interpreting A-304.10 would suggest that DOB may require the Applicant to return to the Board for such a request. Therefore, the Applicant would like to make the record very clear that, if the Board agrees and the neighbor resolution allows, it has the flexibility to add the parking space at the rear in the future.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the requested special exception relief requested pursuant to X-901.2 and C-703.2.

**III. BACKGROUND.**

**A. Description of the Property and Proposed Project.**

The Property is an interior lot with a land area of 3,021 square feet. The Applicant is proposing to construct a new 9-unit building. The proposed Building envelope is permitted by right, except that the use triggers the need for one parking space. Ordinarily, two parking spaces would be required for 9 units; however, the proximity to the Potomac Avenue Metro, only 500 feet, permits a 50% reduction in the number of parking spaces, resulting in a requirement of 1 space.

**B. Surrounding Area.**

The area is primarily characterized by a mix of residential and commercial uses in an urban setting. The Property is only 500 feet, a 1-2 minute walk, from the Potomac Avenue Metro Station. It is also located on a major street, Pennsylvania Avenue, with a number of bus stops and routes located within easy walking distance. The Property is located within walking distance of grocery stores, parks, banks, schools, a library, restaurants, and commercial shops along Pennsylvania Avenue and the surrounding streets. According to Walk Score, the Property has a Walk Score of 93 and is considered a "Walker's Paradise" where "daily errands do not require a car." Further, it has an "Excellent Transit" Score and a 94 Bike Score, considered a Biker's Paradise.

**IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2, C-703.2.**

**A. General Special Exception Requirements.**

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

The use itself and the proposed Building bulk and density is permitted as a matter-of-right in the MU-4 zone. As the Property has a Walk Score of 93 and is located close to amenities such

as grocery stores, restaurants, shops, and the metro, it is anticipated that future residents are unlikely to have cars.

**B. Special Exception Requirements of Subtitle C-703.2.**

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

The Applicant is requesting special exception relief from the minimum parking requirements of C § 701.5 pursuant to C § 703.2.

**Section 703.2 “The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:**

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the section that most safely applies to this subject Property and Application.

**(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;**

While the rear triangle of Lot 124 might otherwise serve as a feasible location for the required parking space, it is encumbered by a recorded easement benefiting the adjacent Jenkins Row property (1391 Pennsylvania Avenue SE). Jenkins Row has objected to the Applicant's proposed use of this area for parking, citing their recorded right of ingress and egress, including vehicular access, over the area. Accordingly, the Applicant lacks alley access and all parking lots within 600 feet are dedicated to their own respective residential and commercial uses.

**(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;**

The Property is well served by mass transit, located approximately 500 feet (1–2-minute walk) from the Potomac Avenue Metro Station, providing access to the Blue, Orange, and Silver Lines. In addition, multiple Metrobus routes run along Pennsylvania Avenue, with a bus stop

located less than 0.1 miles from the Property. The Property also benefits from proximity to Capital Bikeshare stations and improved bike lanes. This exceptional access to transit supports a car-free lifestyle and reduces the necessity of on-site parking.

**(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;**

As described directly above in (b), the Property is well-served by transportation. Moreover, the Property is walking distance to amenities such as grocery stores, restaurants, and shops. The Property has a Walk Score of 93 and is considered a “Walker’s Paradise.” Accordingly, the characteristics of the neighborhood minimize the need for the required parking spaces.

**Section C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.**

The reduction in the required number of parking spaces (one space) is only for the amount the Applicant is physically unable to provide. Regarding demand for parking, as discussed above, the Applicant anticipates that the transportation characteristics and amenities in the neighborhood will likely attract residents without cars. Additionally, the units are 1 or 2 bedrooms, not likely to attract large families requiring cars.

**V. CONCLUSION.**

For the reasons outlined in this Applicant’s Statement, the Applicant respectfully requests the special exception relief as detailed above.

Respectfully Submitted,

*Alexandra Wilson*

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Alexandra Wilson  
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