

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Thomas Jefferson Real Estate LLC
3831 Georgia Avenue, NW (Square 3028, Lot 59)

I. INTRODUCTION.

This Statement is submitted on behalf of Thomas Jefferson Real Estate LLC (the “**Owner**”) and Emerald Wings, LLC (the “**Tenant**”) (collectively known as and hereinafter referred to as the “**Applicant**”) for the property located at 3831 Georgia Avenue, NW (the “**Property**”).

The Property is located on the 3800 Block of Georgia Avenue in the NMU-7B/GA zone. The Property is improved with a six-story mixed-use building (the “**Building**”) with commercial space on the ground level and residential units above. The Applicant proposes to allow Wingstop, a quick-service restaurant specializing in chicken wings, tenders, sandwiches, fries, and related items, to use the ground floor commercial space, primarily for carry-out and delivery service.

As described more fully below, this use is considered a fast-food use. Fast food uses are permitted only via special exception in this zone. Accordingly, the Applicant is seeking special exception relief pursuant to H-6009.1(e) which permits “*eating and drinking establishment use that is a fast food establishment, subject to the conditions of Subtitle H § 6007.1(e).*”

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief requested pursuant to X-901.2 and H-6009.1(e).

III. BACKGROUND.

A. Property Description and Proposed Use

The Property is a corner lot with 3,116 square feet of land area. It is located approximately one and a half blocks from the Georgia Avenue-Petworth Metrorail Station. The Property is improved with a six-story mixed-use building, known as The Augusta on Georgia, with residential units above ground-floor commercial space. The Applicant intends to lease the ground-floor commercial space to Wingstop.

Wingstop is a nationally recognized quick-service restaurant brand operating through a franchise model. The proposed location will be operated by Emerald Wings, LLC, an authorized

Wingstop franchisee. The restaurant will primarily operate as a carry-out and delivery establishment, with no interior seating provided. All food will be packaged for takeaway.

The proposed hours of operation are 10:30 a.m. to 1:00 a.m., seven days per week. The restaurant is expected to employ approximately four to eight employees per shift, with approximately 15 to 20 employees' total.

The majority of orders are anticipated to be placed digitally. Typically, more than seventy percent (70%) of Wingstop orders are placed online, either for carry-out or through third-party delivery platforms such as DoorDash or Uber Eats, as well as Wingstop's white-label delivery platform, which is fulfilled through DoorDash. Wingstop does not employ its own delivery drivers.

The restaurant's food preparation process involves minimal on-site food preparation. Chicken products are delivered pre-portioned and are cooked on-site in fryers. Boneless chicken products and fries arrive frozen and pre-cut. Only limited items, such as ranch dressing and vegetables, are prepared on site, resulting in minimal food waste and limited food preparation activity.

The proposed use will involve a standard restaurant tenant fit-out within the existing commercial space, with no expansion of the building footprint. No exterior modifications are proposed aside from the installation of standard restaurant ventilation equipment and exterior signage consistent with zoning regulations.

B. Surrounding Area

The area is primarily characterized by a mix of commercial and residential uses in an urban setting. Abutting the Property to the north is Randolph Street. Abutting the Property to the south is an apartment building. Abutting the Property to the west is Georgia Avenue. Abutting the Property to the east is a public alley.

In terms of public transportation, the Property is well-served by public transportation. It is located on Georgia Ave., which is a priority corridor in the District. It is also located one block north from the Georgia Ave., metro. The Property also has a Walkscore of 92, making the area extremely walkable. The Applicant anticipates that its customer base will primarily come from the immediately surrounding area.

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2 AND H-6007.1(E).

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 proposed use of the ground floor commercial space aligns with the intent of the zone, which encourages mixed use commercial and residential uses. The Property is surrounded by apartment buildings, providing a built-in customer base. Georgia Avenue is a major commercial corridor designed to accommodate restaurant uses, including take-out, dine-in, and delivery establishments. Fast-casual restaurant uses are common along the Georgia Avenue corridor and contribute to the active commercial character envisioned for this area of the District. The corridor's high foot traffic and accessibility via public transit further support this use.

B. Special Exception for 'Fast-Food'

The Applicant is seeking relief to provide a fast-casual restaurant experience under 'fast-food' pursuant to H-6009.1(e) pursuant to the criteria under H-6007.1(e):

(e)(2) Fast food establishments or food delivery service eating and drinking establishments subject to the following conditions:

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

The Property is not in the MU-4/WP zone.

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

The lot is within 25 feet of the RF-1 zone, but it is separated by an alley.

(c) If any lot line of the lot abuts an alley containing a zone district 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 ground floor of the Building has a continuous brick façade along the length of the rear facing the alley.

- (d) Any refuse dumpster used by the establishment shall be housed in a three- (3) sided 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 or be within ten feet (10 ft.) of a R, RF, or RA zone;**

Trash is stored internally, within the existing trash room located within the building, which serves the building's commercial tenants. Trash will be collected at least four times per week. Within the restaurant space itself, one to two trash bins will be maintained in the kitchen area for operational purposes.

Cooking oil will be collected by a third-party recycling company, such as DarPro or Mahoney Environmental, which will periodically collect and recycle used cooking oil. Grease traps will be located within the interior of the tenant space.

- (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**

There will be no customer entrances located on the side or rear of the building. Customer access to the establishment will be provided solely through the existing entrance along Georgia Avenue.

- (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;**

The proposed restaurant will operate in a manner that will not become objectionable to neighboring properties due to noise, odors, lights, hours of operation, or other operational conditions. The establishment will function primarily as a take-out and delivery-focused restaurant, with no indoor seating provided. Food will be packaged for takeaway rather than served on trays for dine-in consumption.

The kitchen operations involve minimal on-site food preparation, and the majority of menu items are delivered pre-portioned and prepared through standard fryer equipment. Cooking ventilation will be routed along the exterior of the building and exhausted above the roofline in

accordance with applicable building code requirements. The ventilation system will ensure that odors are properly mitigated and directed away from adjacent properties. Additionally, the use will not expand the amount of commercial space within the building, and restaurant uses are common along the Georgia Avenue corridor.

The Property does not include parking for the commercial tenant, although parking is available within the building for residential tenants. The proposed use does not trigger any parking requirement under the Zoning Regulations due to the size of the space. Moreover, the Property is located along the Georgia Avenue commercial corridor and within walking distance of the Georgia Avenue-Petworth Metrorail Station, as well as multiple Metrobus routes.

The surrounding area is highly walkable, with a Walkscore of 92, and the Applicant anticipates that the majority of customers will arrive on foot or through delivery services. Approximately twenty-five percent (25%) of customers are expected to walk in, while approximately seventy-five percent (75%) of orders will be pick-up or delivery orders placed digitally. Bike racks are located both in front of and behind the building, providing additional transportation options for customers and employees.

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

Alexandra Wilson
Sullivan & Barros, LLP
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