

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of 1515 WISCONSIN AVENUE LLC

1515 Wisconsin Avenue, NW; Square 1271, Lot 44.

I. INTRODUCTION.

A. Overview.

This Statement is submitted on behalf of 1515 WISCONSIN AVENUE LLC (the “**Applicant**”), owner of the property located at 1515 Wisconsin Avenue, NW (Square 1271, Lot 44) (the “**Subject Property**”). The Subject Property is currently improved with an existing three-story building (the “**Building**”) currently used as a retail store. The first floor of the building occupies seventy-five percent (75%) of the lot, whereas the second and third floor/attic space occupy a much smaller portion. The Applicant proposing to construct a two-story addition on top of the first-floor rear portion of the Building. The Applicant is also proposing a three-story rear addition measuring fifteen feet (15 ft.) in length at the rear of the existing Building (the “**Addition**”). The Addition will increase the overall lot occupancy to eighty-seven percent (87%) but maintain the full required rear yard. The proposed Addition is also subject to approval by the Commission of Fine Arts.

The Applicant intends to include nine (9) residential dwelling units in the Addition. Residential lot occupancy in the MU-4 Zone is limited to sixty percent (60%). Accordingly, the Applicant requires relief from lot occupancy limitations of G § 404.1 pursuant to G § 1200.1 which states “the Board of Zoning Adjustment may grant special exception relief to the development standards of this subtitle subject to any applicable conditions of this chapter.”

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle G §§ 409, 1200 from the requirements of G § 404.1.

III. BACKGROUND.

A. Description of the Subject Property and Proposed Project.

The Subject Property is located in the MU-4 Zone, in the Georgetown Historic District, and is in the Commission of Fine Arts Jurisdiction Area. It is also part of a group of buildings that are designated historic landmarks known as the "Georgetown Commercial Buildings-Wisconsin Ave, NW." The Subject Property is an interior lot measuring 2,601 square feet in land area. The Applicant is proposing to construct a second and third story on top of the existing first floor Building footprint, which is already at seventy-five percent (75%) lot occupancy, as well as a rear, three-story addition. The new Addition will be used for nine (9) residential units and increase the total lot occupancy to eighty-seven percent (87%). The existing Building has a height of thirty-seven feet and two inches (37 ft. 2 in.), and the total height of the Addition will be limited to only thirty-one feet and ten inches (31 ft. 10 in.) in order to limit visibility from Wisconsin Avenue. The Applicant is providing a compliant fifteen foot (15 ft.) rear yard. The Applicant is not required to provide parking as the Building is a Historic Landmark and parking is only required if: (a) the Addition increases the existing GFA by fifty percent (50%) or more; and (b) the new use results in a parking requirement of four (4) or more spaces. Neither condition applies in this case.

B. Surrounding Area.

To the north of the Subject Property is 1517 Wisconsin Avenue, NW which is also designated as a historic landmark and used for commercial purposes. To the south of the Subject Property is 1513 Wisconsin Avenue, NW which is also used for commercial purposes. Both

adjacent buildings currently extend beyond the subject Building. To the west of the Property is Wisconsin Avenue, NW. To the east of the Subject Property are row dwellings on 32nd Street.

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS.

A. Overview.

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; subject also, in this case, to the specific requirements for relief under G § 1200.

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).

B. General Special Exception Requirements of Subtitle X § 901.2 and Requirements of G § 1200.

Subtitle G § 409 states that the Board of Zoning Adjustment may grant special exception relief from the development standards of Subtitle G, subject to any applicable conditions of Subtitle G, Chapter 12 and the General Special Exception requirements of Subtitle X, Chapter 9. The general special exception requirements are as follows: "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 in accordance with the Zoning Regulations and Zoning Maps ..." (11 DCMR Subtitle X § 901.2).

The requirements of G § 1200 mirror the general special exception requirements except that G § 1200(a) includes that the special exception be in harmony with the general purpose and intent of the MU zone, as well as the Zoning Regulations and Zoning Maps. The Application meets the requirements of G § 1200 and X § 901.2 as follows:

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

According to Subtitle G § 400.3, the purpose and intent of the MU-4 Zone is to “Permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.”

The Application is in harmony with the general purpose and intent of the MU-4 Zone, as it proposes nine (9) new residential dwelling units in an existing commercial Building. The Subject Property also has access to main roadways and rapid transit stops including numerous bus stops nearby on Wisconsin Avenue. The neighboring properties include a mix of commercial and of low- to moderate- density residential uses, and the Project will complement the surrounding character by providing new, quality residential units.

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

To the north of the Subject Property is 1517 Wisconsin Avenue, NW which is also designated as a historic landmark and used for commercial purposes. To the south of the Subject Property is 1513 Wisconsin Avenue, NW which is used for commercial purposes. Both adjacent buildings extend well into each respective lot, and both currently extend past the subject

Building. The Applicant is providing a compliant rear yard of fifteen feet (15 ft.). Moreover, the proposed height will be well under the fifty-foot (50 ft.) height limit of the MU-4 zone. The existing Building has a height of thirty-seven feet and two inches (37 ft. 2 in.), and the total height of the Addition will be limited to only thirty-one feet and ten inches (31 ft. 10 in.) in order to limit visibility from Wisconsin Avenue.

(c) Is subject in each case to any applicable conditions specified in this chapter.

Regarding lot occupancy relief, there are no other applicable conditions specified in this chapter.

V. CONCLUSION.

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

Respectfully Submitted,

Martin P Sullivan

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