

## SUPPLEMENTAL MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Case Manager  
    *JL* Joel Lawson, Associate Director of Development Review  
**DATE:** January 12, 2018

**SUBJECT:** BZA #19600 – 2330 Wisconsin Avenue, NW for a fast food and food delivery establishment.

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### **I. BACKGROUND AND SUMMARY**

At the December 20, 2017 public hearing, the Board requested that the Applicant provide additional information to support their variance relief request – this was filed at Exhibit 61. The Office of Planning had filed a report recommending denial of the application (Exhibit 56) and the Board asked the Office of Planning to provide analysis for the new information.

### **II. OFFICE OF PLANNING RECOMMENDATION**

Based on the additional information provided by the applicant, the Office of Planning (OP) is now able to recommend **Approval** of the following:

- U § 513.1(c) Special exception to permit a fast food and food delivery establishment
- Special exception includes a variance from 513.1(c)(1)

### **III. PROPOSAL and SITE DESCRIPTION**

The Applicant is proposing to locate a fast food and delivery establishment, Domino's Pizza, in an existing commercial building, known as The Calvert Center. The site is split zoned MU-27/R-13. The existing building is in the MU-27 portion of the site and its parking lot is in the R-13 portion of the site. The building has four leasable spaces, three of which are occupied with two fast food establishments and the U.S. Postal Service. The proposed fast food and delivery establishment would be in the fourth space at the corner of the building, which is currently vacant. The proposal includes five parking spaces and the Applicant intends to have 3-4 delivery vehicles. The hours of operation would be from 10:00am to 2:00am Sunday through Thursday and 10:00am to 3:00am Friday through Saturday.

### **III. ANALYSIS**

#### **Variance Relief from Special Exception Requirement U § 513.1(c) (1)**

(c) *Fast food establishments or food delivery service eating and drinking establishments in the MU-4, MU-17, MU-25, and MU-27, subject to the following conditions:*

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

The site is split zoned including R-13 and directly adjacent to R-3 zoned properties. It is located between R-3 zoned properties to the north and south. Therefore, the Applicant is requesting variance relief from this requirement.

***Exceptional Situation Resulting in a Practical Difficulty***

The Applicant provided additional evidence to show the existence of exceptional situations resulting in a practical difficulty to the property owner. These exceptional situations have made it challenging for the property owner to find tenants.

On this section of the block, where there are generally lots facing Wisconsin Avenue to the east and 37<sup>th</sup> Street to the west, this is one of only two through lots with frontage on both roads, so it is exceptionally deep and has ingress/egress on both streets. The property is located mid-block so direct access between its front and rear is blocked off by the adjacent buildings. If only one customer entrance existed the customer would need to go more than a quarter mile around the block to access the front or rear of the building. This need to maintain two separate customer entrances (on the street front and from the rear) would lead to operational and interior layout difficulties for many prospective tenants. The applicant has provided evidence that maintaining two entrances, which involves implementing extra security measures, makes the location too expensive for many potential tenants, making it more difficult to market.

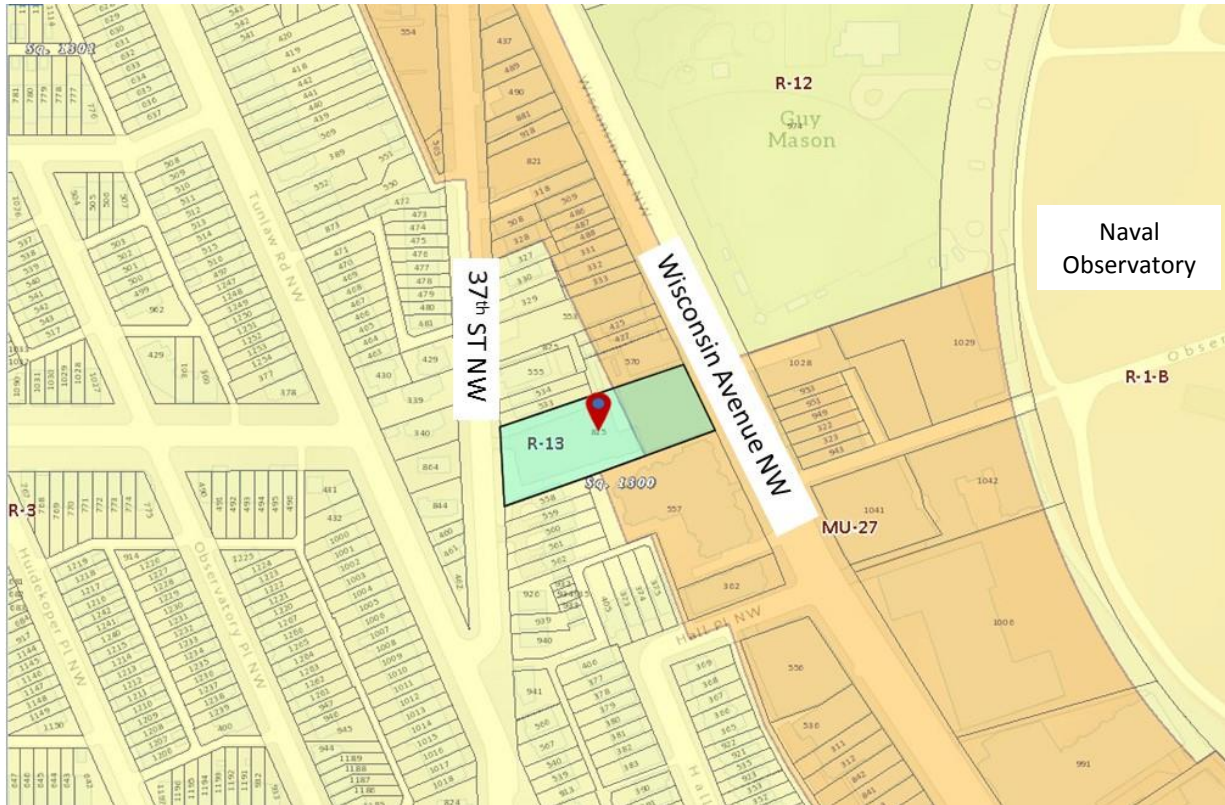
***No Substantial Detriment to the Public Good***

The use would be located in an existing commercial building and require no outside alterations. The existing building contains two other fast food establishments, and along Wisconsin Avenue, NW there are many other restaurants nearby. The neighborhood in the rear of the property is residential but the site's commercial parking lot has been in existence for many years.

***No Substantial Harm to the Zoning Regulations***

The property currently contains fast food establishments which are within 25 ft. of the residential zone, and the Applicant has agreed to the ANC conditions to address neighboring resident's concerns, which would help to mitigate potential negative impacts that the zoning is intended to address.

### IV. LOCATION MAP



**2330 Wisconsin Ave, NW Location Map**