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**Chicken To Go
2427 Minnisota Ave SE
Washington DC 20020
202-582-0110**

Case No: 18362

Dear zoning Department,

I am writing this letter because I would like to update some information on my application of compliance. The reason is because we believe that we left out some information, I have also included some proof of the updated information.

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

**CASE NO. 18362
EXHIBIT NO. 29-A**

Board of Zoning Adjustment
District of Columbia
CASE NO.18362
EXHIBIT NO.29A

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of Chicken to Go Inc
2427 Minnesota Ave SE Washington
DC 20019**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDER
OF PROOF**

I. Background

Chicken to Go Inc ("Chicken To Go " or "Applicant") proposes to establish a fast food establishment/restaurant in an existing building located at **2427 Minnesota Ave SE.**, Washington, D>C> (Square 5578m Lot 0074). The retail space contains approximately 1600 square feet of retable area tenant spaces in the one-story building. Zone C-2-A. The building in which **Chicken to Go Inc** would locate is entirely within the C-2-A District.

II. Relief Requested

The C-2-A District permits fast food establishments through special exception relief. Although **Chicken to Go Inc** is considered a carry out restaurant in virtually every other jurisdiction, because its patrons pay for their meal before prior to consuming it, the Zoning Regulations technically deem it a fast food establishment.

Consequently, **Chicken to Go Inc** is required to seek special exception relief under section 773 of the Zoning Regulations **Chicken to Go Inc** meets the standards for special exception relief as described below.

III. Special Exception

Section 773.1 of the Zoning Regulations provides that the Board of Zoning Adjustment may grant special exception relief for a fast food establishment in the C-2-A District subject to certain conditions. The Board may modify these conditions, provided that the modification complies with general purposes and intent of this section. See 11 DCMR § 733.12.

733.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.)

Of a Residential District unless serom by a seperated there from by a street or alley.

We at Chicken To Go do not believe that this apply's to our store. We would like to request a modification of this provision.

733.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residential District, a continuous brick wall at least six

feet (6 ft.) high and twelve inches (12 inch.) thick shall be constructed and maintained on a 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.

This provision also does not apply to our store and would like you to also modify this provision.

733.4 *Any refuse Trash dumpsters shall be housed in a three sided brick enclosure equal in hieght to the dumpster or six feet high, whichever is greater.*

Chicken To Go does not have a Trash Dumpster for the following reasons. The city is not able to pick up as an alternative we have three trash cans which are kept neat . Trash is picked up twice a week from our bussiness, we also have a employee that comes in nightly to clean inside and outside of the store. This employee makes sure the street and around the trash cans are clean. We only dispose of bulk trash on the nights before the trash pick-up days. We do not think that we need a fence we are more than capable of keeping the area sanitary. We would more than appreciate it if you would modify this provision for our bussiness.

733.5 *The use shall not include a drive-through.*

Chicken to Go Inc does not propose and shall not include a drive-through as part of its use of the property.

733.6 *There shall be no customer entrance in the side or rear of a building that faces a street Or alley containing a zone district boundary line for Residence District.*

Chicken to Go Inc will not have any customer entrance along the portion of the building that faces the zone district boundary line for a residential district.

733.7 *The use shall be designated 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 fast food establishment has been designed and will be operated so as not to become objectionable to neighboring properties. It will be virtually indistinguishable from a restaurant, as defined under the Zoning Regulations, and will not create any excessive noise, such as loud banging or working after hours. Odors such as the trash will be kept in a neat fashion at all times. Lighting will be kept to a min. and will not be visible after hours of operation. The planned hours of operation will be approximately 8:00 a.m. To 10:00 p.m. Monday through Sunday, These hours are consistent with those of restaurants along this commercial sector of Minnesota Avenue, and in fact represent earlier closing hours than many other establishments.

733.8 *The use shall provide sufficient off-street parking, but not less than that is required by § 102.1, to accommodate the needs of patrons and employees.*

The zoning Regulations require that a fast food establishment, located in a building with a side yard such as this property, provide one parking space for each 100 square feet of space above a threshold of 1,200 square feet of space. Here, **Chicken to Go Inc** will occupy 1600 square feet of space, generating a requirement for 0 parking spaces because is carry out . Almost all of our patrons are in either walking distance and or metro accessable to our establishment.

733.9 *The use shall be located and designed so as to create no dangerous or other Objectionable traffic conditions.*

Chicken to Go Inc will occupy one tenant space in a small retail building . Thus, the proposed use is in compliance with this condition.

733.10 *There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking.*

The Trash pick-up, and deliveries do not obstruct any traffic or public right-of-ways. Deliveries are made after the hours of rush hour, and trash also.

733.11 *The Board may impose conditions pertaining to design, screening, lighting, Soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.*

The proposed fast food establishment will be located in a building that is being used as fast-food business several years.

IV. Conclusion

Pursuant to section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for this application. Through the Applicant's written statement, and through testimony and evidence presented at the public hearing, the Applicant will further demonstrate how it meets its burden of proof to obtain the Board's approval of the requested relief.

Statement of Existing and Intended Uses

Chicken to Go Inc intends to occupy one-story building at 2724 Minnesota Ave SE. Currently use DC Carry out they Sold there existing business Chicken to Go Inc. The Applicant is requesting special exception approval to allow use of the space as a fast food establishment/restaurant.

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ISSUING BRANCH 2060309-SPRINGFIELD/VA - ANNANDA

DATE MAY 29, 2012

PAY TO THE ORDER OF NICHOLAS R NALLI

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\$ ** \$3,050.00 **
DOLLARS

AUTHORIZED SIGNATURE

[Signature]

MEMO/PURCHASER GYLING SELIN KIM

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DATE MAY 29, 2012

68-236/514

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DOLLARS

AUTHORIZED SIGNATURE

[Signature]

MEMO/PURCHASER GYLING SELIN KIM

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