



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 11, 2012
SUBJECT: BZA Case 18402, 2805 M Street N.W

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- Use variance relief under § 771.2 (1.50 FAR non-residential use limit, 1.75 FAR proposed),
- Area variance relief under § 774 – rear yard - (15 feet required, 1 foot proposed);
- Area variance relief under § 2001.3 to extend the existing nonconformity of the rear yard, and
- Special Exception relief to permit a fast food establishment in the C-2-A District, subject to daily trash pick-up from the site

II. LOCATION AND SITE DESCRIPTION

Address	2805 M Street NW
Legal Description	Square 1212, Lot 0802
Ward/ANC	2 /ANC 2E
Zoning	C-2-A
Lot Characteristics	Rectangular, narrow and long property No remarkable features
Adjacent Properties	Contributing historic structure (Sims House) to the east, a commercial property to the west, and a narrow pedestrian alley at the rear which exits onto 28 th Street
Neighborhood Character	Small scale commercial uses within the Georgetown Historic District
Historic Preservation:	Georgetown Historic District and within the Commission of Fine Arts area

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18402
EXHIBIT NO. 30

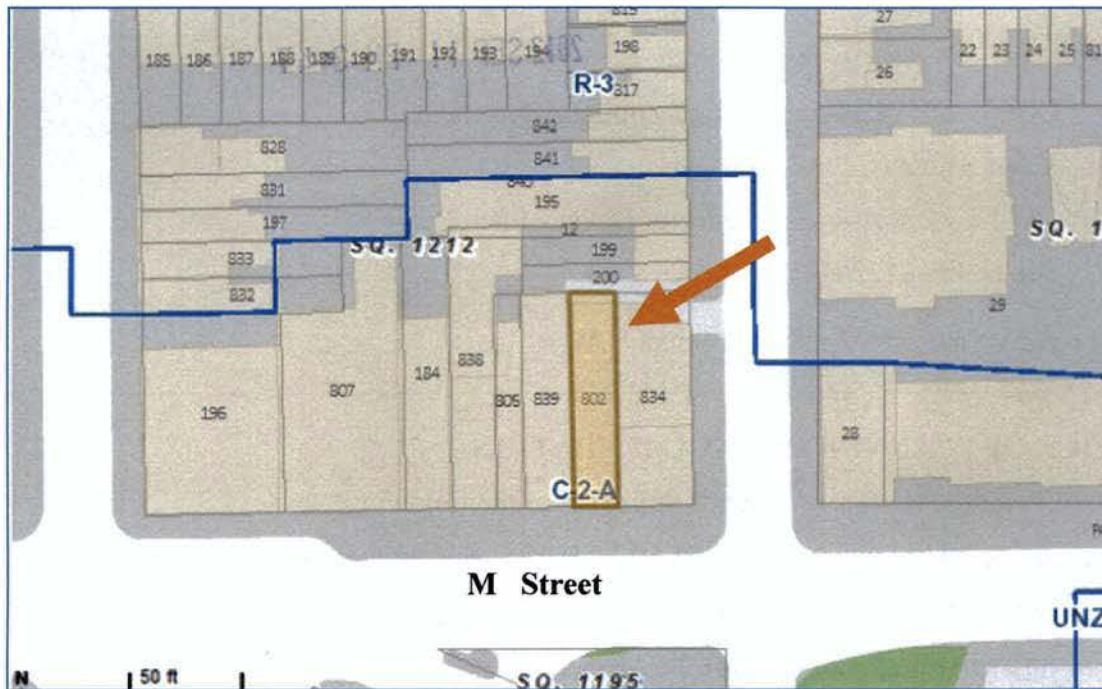
Board of Zoning Adjustment

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LOCATION MAP

III. APPLICATION IN BRIEF

The Board's recent decision in BZA18252 approved a requested use variance to permit the renovation of the existing commercial property including incorporating 120 square feet of existing unused space for commercial use. This action permitted the increase of the existing non-residential FAR currently at 1.5 to 1.67, with no increase in the property's total FAR.

The present application before the Board includes enclosing the nonconforming open space on the first floor of the northeast corner of the property to provide a one-story addition for an updated kitchen. The existing exterior cooler at the rear would be relocated and replaced with a new walk in cooler, which would expand the property's density to 1.75 FAR.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

C-2-A Zone	Regulation	Existing	Proposed	Relief
Lot Area	N/A	1905 sq.ft.	1905 sq.ft.	None required
Lot Width § 401	N/A	20.05 ft.	20.05 ft.	None required
Floor Area Ratio § 771.2	2.5 max 1.5 non-residential	1.67 1.5 non-res.	1.75 (total) 1.75 non-res	Required
Rear Yard § 774	15 ft.	9.3 ft.	1 ft.	Required

V. OFFICE OF PLANNING ANALYSIS

a. Use Variance Relief from § 771.2 - FAR

i. Exceptional Situation Resulting in a Hardship

The property's small size and existing FAR per floor, in combination with its long-standing history of commercial use, is an exceptional situation affecting the property's use in accordance with the existing regulations. The proposed commercial use of 166 square feet of space would not be viable for residential use but would best accommodate additional area to support the renovation and upgrade of the property's established commercial use.

Given the narrow dimensions of the existing building, any reduction in the existing non-residential FAR to accommodate the residential requirement would create a hardship for the applicant, since the resulting commercial space would not be viable to accommodate the proposed commercial use. Any additions to the building may also be constrained by Historic Preservation requirements, due to its adjacency to the landmarked building to the east of the property. Thus, without any proposed addition, the combined area of the small closed court and the space to the rear where the walk-in cooler would be located would be impractical for residential purposes. This would create a hardship for the applicant if these small spaces could not be put to productive use.

b. Area variance relief from §§ 774 rear yard and 2001.3 –increase in nonconformity

i. Exceptional Situation Resulting in a Practical Difficulty

The lot's dimension provides limited opportunity for expansion to support contemporary restaurant equipment. The proposed kitchen upgrades, including equipment for food handling and storage, would meet current standards. However, it would consume a substantial amount of operation space if placed within the existing ground floor and significantly reduce the customers' dining area. The applicant requested removal of the bay projections to create additional floor area but this was not approved by the Old Georgetown Board (OGB). The cooler's proposed location outside of the building would inadvertently impact the existing nonconforming rear yard. Therefore, there is a practical difficulty for the applicant in leasing the existing structure to food service operations which may require contemporary storage equipment to suit the needs of their operations.

ii. No Substantial Detriment to the Public Good

No substantial detriment to the public good is anticipated as the minimal increase to the FAR and rear yard reduction would have no impact to the light and air of adjacent properties, nor would it change the character of the neighborhood, as viewed from the rear. The property has no demonstrated residential use within the building since 1959. Thus, the commercial use of the small addition would not result in the loss of a housing unit. The surrounding properties are entirely commercial uses.

The renovation which ultimately affects the FAR and rear yard is intended to maximize the efficiency of the existing structure without harm to the historic nature of the property and the character of the historic district. The rear of the building is currently dilapidated and with this renovation screening and daily trash pick-up would be provided to maintain cleanliness and improve the visual aesthetic of the rear as viewed from the alley.

iii. No Substantial Harm to the Zoning Regulations

The continuation of the property's established commercial use within the commercial C-2-A District would not be detrimental to the Zoning Regulations. The additional square footage requested would

not adversely impact the neighborhood's character. The FAR would remain well within the maximum permitted FAR (2.5) for the C-2-A District. Therefore, no substantial harm to the Zoning Regulations would result from granting the requested use and area variance relief.

c. Special Exception Relief to permit a fast food establishment in the C-2-A District

Fast food establishments are permitted in a C-2-A District subject to the provisions of § 733

- 733.2** *No part of the lot on which the use is located shall be within twenty-five feet (25 ft) of a Residence District unless separated therefrom by a street or alley.*

The property is not located within twenty-five feet of a residential district. The closest residential district is located more than twenty-five feet away to the north.

- 733.3** *If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, 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 lot lines of the property do not abut an alley containing a zone district boundary line.

- 733.4** *Any refuse dumpsters shall be housed in a three (3) sided brick 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 a Residence District.*

Due to the lot's width and size and the reduced area of the rear yard it would be difficult to satisfy this condition and the applicant has requested a modification/waiver from this requirement to permit the trash receptacles to be housed in sealed fiberglass containers. OP has requested that the applicant provide images of examples to the Board.

- 733.5** *The use shall not include a drive-through.*
No drive through is proposed.

- 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 a Residence District.*

The entrance for customers would be located on M Street, wholly within the commercial district.

- 733.7** *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 fast food at this location currently exists in the Dupont Circle neighborhood and OP is not aware of any adverse impacts concerning the existing operation. The food service would operate from 11 am to 10 pm daily and trash would be removed daily from the site.

- 733.8** *The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.*

The property does not currently provide on-site parking and it is a contributing structure within the historic district. The proposed addition does not increase the gross floor area by more than 50% so no additional parking is required.

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

The proposed use would be located in a structure with a long standing history of accommodating a similar type use. There would therefore be no change to the existing traffic patterns due to the lessee's operations.

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 spaces, aisles, or driveways on the site*

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 renovated building approved by the Old Georgetown Board and the Commission of Fine Arts (CFA). The overall appearance of the alley would be considerably improved by the renovation at the rear. OP does not suggest any other treatment beyond those required by the OGB and CFA.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the intent of the regulations and map as this type of use is anticipated in this zone. This is a commercial use in a moderate density commercial district that already has restaurant/retail uses and is in conformance with the specific requirements for such uses.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The use of neighboring property should not be adversely affected as the abutting properties are also commercial and residential uses would not be impacted due to noise, odor or traffic.

VI. COMMUNITY COMMENTS

The application was unanimously approved by the ANC2E at its regularly scheduled meeting on September 4, 2012.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The application was forwarded to the District Department of Transportation and their report may be issued under separate cover if they have comments.