

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: September 22, 2015

SUBJECT: BZA Case 19070 - request for use variance relief to operate an inn at 1207 Kenyon Street, NW in the R-4 Zone

I. OFFICE OF PLANNING RECOMMENDATION

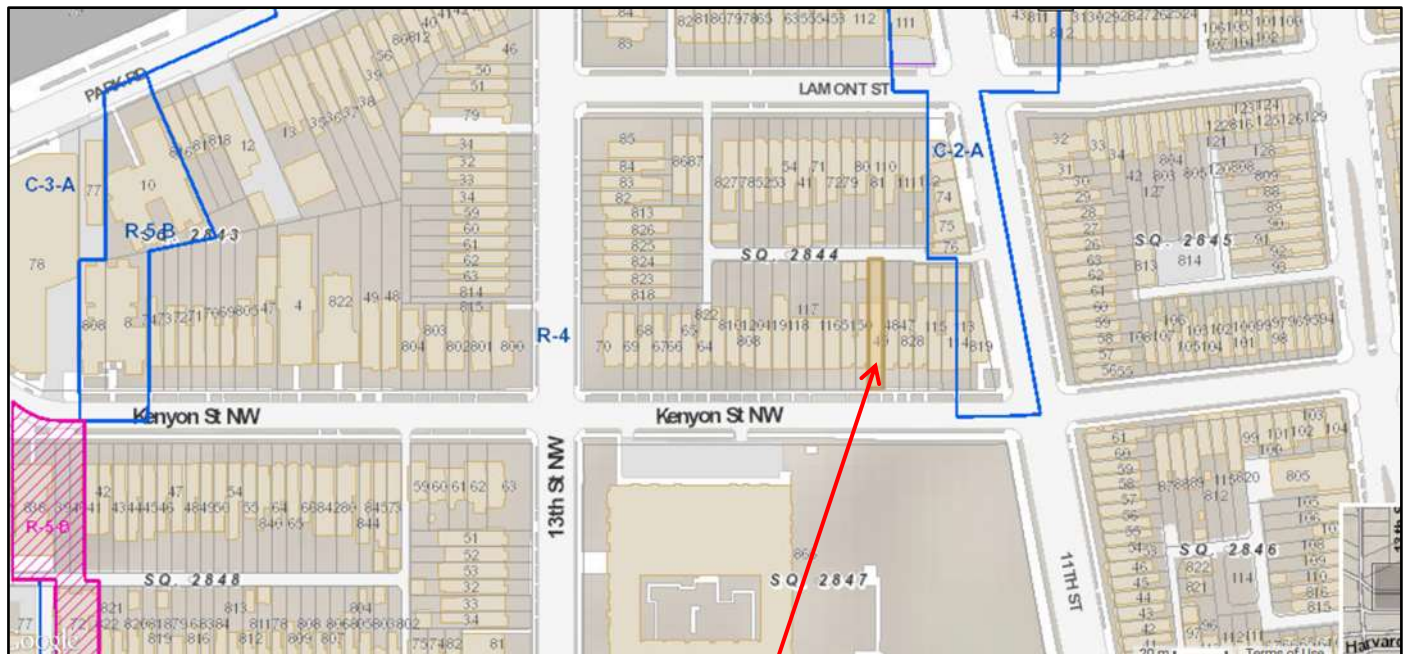
David and Sheila Hoxie (Applicant) submitted an application to “add optional alcoholic beverage purchase for guest only” to their existing operations of guest quarters for daily and weekly lodging for tourist. A referral from the Zoning Administrator (ZA) stated that the applicant should request special exception review under § 330.6 to operate a “Rooming house with four (4) rooms and accessory central area for transient food consumption that includes alcohol.” The ZA subsequently advised OP that after further review, the Applicant should seek a variance from § 330.5 to operate an inn in the R-4 district.

The Office of Planning (OP) recommends **denial** of a use variance relief to allow an inn, a commercial use in a residential zone:

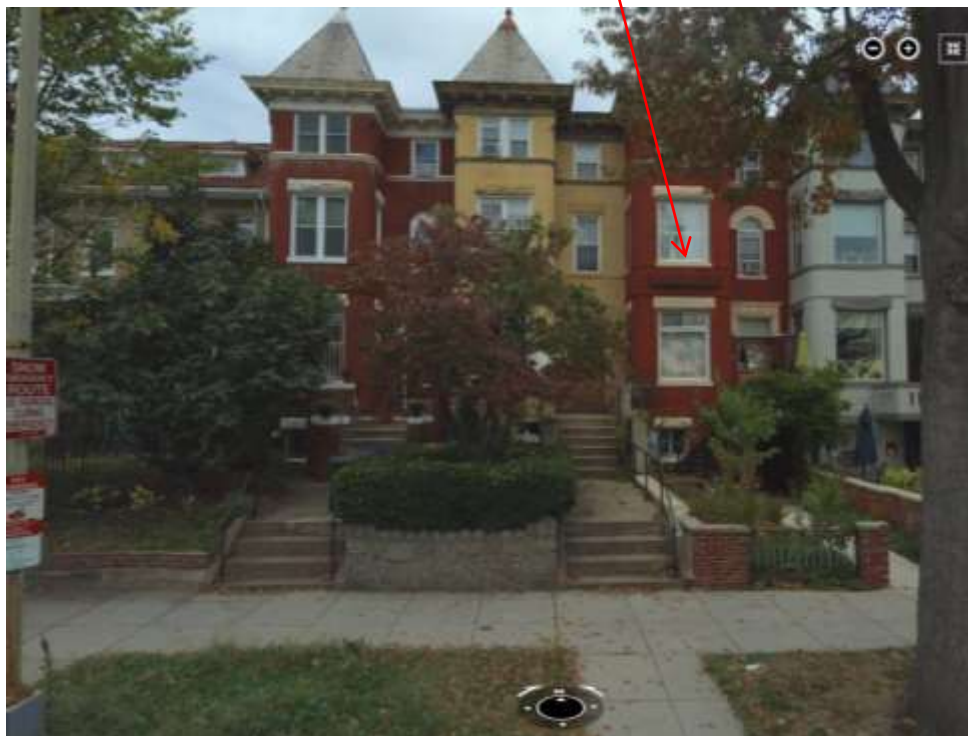
- § 330.5 (inn, not permitted in the R-4 zone).

II. LOCATION AND SITE DESCRIPTION

Address:	1207 Kenyon Street, NW
Legal Description:	Square 2844, Lot 0049
Ward/ANC:	1/1A
Lot Characteristics:	The property is rectangular in shape and abuts an alley at the rear.
Zoning:	R-4 – row dwellings and flats.
Existing Development:	The property is improved with a three-story with basement building.
Historic District:	The property is not within a historic district.
Adjacent Properties:	To the east, west, and north is a mixture of two and three story row dwellings. To the south, across Kenyon Street, is the Tubman Elementary School. All the surrounding properties are in the R-4 zone.
Surrounding Neighborhood Character:	The immediate area consists of predominantly row dwellings. A small commercial area in the C-2-A zone is to the east of the property and along the west side of 11 th Street.



SITE



III. APPLICATION

The proposal is to operate an inn with five (5) bedrooms, two kitchens, a central kitchen and a central dining area. The Applicant stated that the guests would also be allowed to entertain visitors on the site.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The Applicant seeks use variance relief from § 330.5, permitted uses in the R-4 zone, pursuant to § 3103.2. This request would allow an inn to operate in the R-4 zone.

V. OFFICE OF PLANNING ANALYSIS

In § 199 an inn is described as:

“A building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guestrooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house, or apartment house. For the purposes of this definition, the limitation on central dining does not prohibit an inn from allowing guests to prepare their meals at centrally located cooking facilities and to eat such meals in a central dining area.”

As outlined by the Applicant, the proposed use meets the definition of an inn as the building would have 5 separate bedrooms to be rented to a daily or weekly basis to transient guests (tourist). The building has a central kitchen on the first floor and a second in the basement. There is also a central dining area. The Applicant would also provide prepackaged food and alcohol for sale (to guest only). An inn is not a permitted use in the R-4 zone and is first permitted as a matter-of-right in the Special Purpose (SP) zone.

Variance Relief, § 3103.2, from § 330.5, an inn in the R-4 zone

i. Exceptional Situation Resulting in an Undue Hardship

The Applicant has not provided any information to demonstrate any exceptional situation with the property which would result in an undue hardship in using the property for a matter-of-right use in the R-4 zone. The property is rectangular in shape, has no exceptional topographical features and is developed with a three stories plus basement building. All of these features are similar to adjacent and other properties in the area and none seem to make the property unique. The layout of the building as provided by the Applicant indicates that it is able to accommodate a matter-of-right single family use or a flat. The Applicant has stated that there is financial loss but has not provided any information to demonstrate this or any other factors which could be considered an extraordinary or exceptional situation and which would cause an exceptional and undue hardship.

ii. No Substantial Detriment to the Public Good

Granting the requested relief would allow a use which would have daily and weekly move-ins and move-outs and resident would be able to have guests with alcohol being sold on the property. The

Applicant has not stated what would be the rules of operation so as not to negatively impact the neighboring area.

iii. No Substantial Harm to the Zoning Regulations

There would be a substantial harm to the Zoning Regulations as the applicant has not demonstrated that there is a uniqueness or exceptional situation that leads to an undue hardship that precludes the property from accommodating a use that is permitted as a matter-of-right.

VI. DISTRICT AGENCIES

The Department of Transportation submitted a recommendation of approval under separate cover. No other comments have been received from any other District agency at the time of this report.

VII. COMMUNITY COMMENTS

The property is within ANC-1A. At its September 9, 2015 public meeting the ANC reviewed at the proposal and voted to recommend approval of the use variance for an inn in the R-4 zone.