

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

**Application of PVS International, LLC
on Behalf of A.R. 3347 M, LLC
3347 M Street, NW
Square 1205, Lot 810**

BZA Application No. _____

ANC 2E05

STATEMENT OF THE APPLICANT

This Application (“Application”) is submitted by PVS International, LLC on behalf of A.R. 3347 M, LLC, by its attorneys, Greenstein DeLorme & Luchs, P.C. by John Patrick Brown, Jr. Esquire and Kate M. Olson, Esquire, in support of an application for the special exception described below.

I. NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR Section 3104.1 for a special exception under Sections 724.1 and 733 to permit A.R. 3347 M, LLC (t/a Capriotti’s Sandwich Shop) (“Applicant”) to continue to operate a fast food establishment with forty-five (45) seats in a C-2-A zone district at premises 3347 M Street, N.W. (Square 1205, Lot 810) (“Property”).

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested relief as a special exception pursuant to 11 DCMR §3104 and in accordance with §§724.1 and 733 of the Zoning Regulations.

III. CURRENT CERTIFICATE OF OCCUPAMCY

The Applicant was granted a temporary Certificate of Occupancy (CO1500656) by the Deputy Zoning Administrator to allow the interim use of the Property as a fast food establishment by the Applicant pending the filing of this BZA Application. This determination was based on the prior occupant’s (Philadelphia Cheesesteak Factory) longstanding fast food establishment use pursuant to a Certificate of Occupancy approved by the prior Zoning

Administrator, Mr. Bill Crews, which expired on April 20, 2007 without seeking the necessary special exception approval.

IV. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The property is located at 3347 M Street, N.W. in the Georgetown neighborhood, at the intersection of M and 34th Street, N.W.

The Property is improved with a two-story building fronting on M Street. The fast food establishment occupies only the first floor and the only public entrance is on M Street. The rear of the Property abuts the R-3 zone district.

A. Proposed Operations

The Applicant proposes to continue to operate the existing Capriotti's Sandwich Shop as a fast food establishment with 45 seats.

V. THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

Uses that are allowed by special exception are deemed compatible with other uses permitted in the applicable zoning district provided certain requirements are met. In reviewing an application for a special exception under the Zoning Regulations, the discretion of the Board of Zoning Adjustment is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites of the Zoning Regulations are satisfied, the BZA ordinarily must grant the application. See, e.g., Baker's Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As will be established in greater detail prior to the public hearing, approval of special exception relief in this case will satisfy the requirements of Section 3104.1 of the Zoning Regulations that require the special exception "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 . . .” In addition, the application complies with the fast food establishment requirements of Section 733 of the Zoning Regulations, except the Applicant requests the Board’s permitted modification of §733.2 under §733.12 for the Property which abuts the R-3 zone district.

VI. CONCLUSION

For the above reasons, this application meets the criteria set forth in §§3104.1 and 733 for a special exception approval for the continued operation of a fast food establishment with 45 seats in a C-2-A zone district and is in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect neighboring property. The Applicant respectfully requests the Board of Zoning Adjustment approve this Application.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

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