STATEMENT OF REASONS IN SUPPORT OF APPLICATION FOR A SPECIAL EXCEPTION AND VARIANCE TO EXTEND RESTAURANT/CONFERENCE FACILITY USE ACROSS A BOUNDARY LINE CROSSING A LOT FROM A LESSER RESTRICTED PORTION OF A LOT INTO THAT PORTION OF THE LOT LOCATED IN THE MORE RESTRICTIVE DISTRICT

THIS STATEMENT OF REASONS is submitted on behalf of JEMALS/CARY CARBARN LLC (the "Applicant") by its attorneys, Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy, Esquire, and Jeannine Rustad, Esquire, in support of an application for: (1) a special exception pursuant to Section 2514.2 of the Zoning Regulations to extend a use across a boundary line crossing a lot into that portion of the lot located in a more restrictive use district; and (2) a variance from Subsection 2514.2(a) to extend a use from the lesser restricted portion of the lot into the more restrictive district beyond thirty-five (35) feet to allow use of an existing roof top terrace and pavilion located at 3600 M Street, N.W. (Lot 47, Square 1203) as a restaurant/conference facility in an R-3 district at Lot 47 in Square 1203, which has a premise address of 3600 M Street, N.W. (the "Property").

A. The Property and Surrounding Neighborhood

The Property is located in the Georgetown Historic District between M (to the south of the Property) and Prospect (to the north of the Property) Streets, N.W. The Property contains 40,200 square feet of land area, with 180.00 feet of frontage along M Street, N.W. and 160.00 square feet along Prospect Street, N.W.

To the west of the Property on M Street is a gas station, which is separated from the Property by a sixty (60) foot wide alley. To the east of the Property along M Street is a low-rise building.

Across Prospect Street, N.W. on the northwest corner of the intersection of Prospect and 36th Streets, N.W. is Georgetown University. There are several row houses across the street and to the east and west of the Property along Prospect Street, N.W. The building to the immediate east of the Property is occasionally used for social functions.

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BZA
Case No. 16592
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.16592
EXHIBIT NO.5

The Property is located on a steep hill which slopes down from Prospect Street, N.W. to M Street, N.W.

The Property is improved with a brick four-story plus garage, 85,836-square foot building. The original structure on the Property, a tobacco warehouse, was constructed in 1761. In 1895, construction began on a three story building to serve as a terminal for quarter horses and trolley cars. This building was constructed on the original foundation of the tobacco warehouse, and contained waiting rooms and terminal offices for railways on the M Street side of the upper floors located above the garage. In 1986, a fourth floor was added to the building. (See Exhibit A, Building Permit No. B317980). The fourth floor addition was constructed in the portion of the Property zoned C-2-A.

Since approximately 1959, the Property has been used for commercial purposes, including general office use and accessary use as a garage. (See Exhibit B, Certificates of Occupancy for the Property for the period starting 1959 through 1999).

In April 1999, Building Permit No. B421837 was issued for the construction of a rooftop terrace at the Property. See Exhibit C. The rooftop terrace of the Property is at street level along Prospect Street, N.W.

B. Zoning of the Property

The Property is zoned C-2-A along M Street, N.W. and R-3 along the Prospect Street, N.W.

The R-3 district is designed essentially for row dwellings. 11 D.C.M.R. §320.1. Uses permitted in an R-3 district include single-family dwellings, places of worship, embassies, mass transit facilities and youth residential care homes, community residence facilities or health care facilities for seven to eight persons. 11 D.C.M.R. §320.3.

The C-2-A district is "designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the city outside the central core." 11 D.C.M.R. §720.2. Uses permitted in a C-2-A district include office,

restaurant, assembly hall and auditorium. 11 D.C.M.R. §§ 721.1 and 721.6.

C. Current Use of the Property

The basement of the improvements on the Property is used as a parking garage.

The first through third floors are used for general office purposes.

The fourth floor, which has views of the Potomac River and Rosslyn, Virginia across the river, is used as a combination restaurant/conference facility. This facility is used for meetings, conferences, weddings, receptions and special events.

D. The Proposed Use

The Applicant proposes to extend the restaurant/conference facility use of the portion of the building located within the C-2-A district to the roof top terrace of the Property, which is located along Prospect Street, N.W.

E. Justification for the Relief Requested

The relief sought by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan because of (a) the continuity and 14-year history of the use of the fourth floor for meetings, conferences and receptions, (b) the adequacy of off-street parking and (c) the existing use of the Property for commercial purposes. Moreover, the requested relief will have no adverse effect upon the present character and future development of the surrounding neighborhood.

The requested special exception can be granted without adversely affecting the surrounding community and will benefit the community for the following reasons:

1. The extension of the restaurant/conference facility use to the roof top terrace of the Property is compatible with surrounding uses;

2. The existing commercial use of the Property has had no substantial adverse impact on surrounding properties;

3. Adequate parking and loading areas are provided on the Property; and

4. The proposed extension of the restaurant/conference facility use will not adversely effect traffic in the R-3 district, as the entrance to the roof top terrace will be provided along M Street, N.W.

For the foregoing reasons, and on the basis of the evidence submitted with the application, it is respectfully submitted that the subject application satisfies the legal requirements applicable to the requested relief and that it therefore be granted.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
Jacques B. DePuy

By: _____
Jeannine Rustad

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EXHIBITS

A. Building Permit No. B317980

B. Certificates of Occupancy for the Property for the period starting 1959 through 1999

C. Building Permit No. B421837