GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: June 11, 2002

SUBJECT: BZA Case # 16880 Variance Request

APPLICATION-IN-BRIEF

Applicant: Endale Trefa
434 Shepherd, N.W.
Square 3237, Lot 79

Relief Sought: Pursuant to 11 DCMR 3104.1 the applicant is requesting a special exception to add a delicatessen to an existing grocery store in the R-4 Zone.

Relief Sought Under: Subsection 2003.1

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

Applicant's Justification:

The applicant is seeking to add a delicatessen to an existing grocery store, in order to serve client's need for coffee, donuts and prepackaged sandwiches.

SITE AND AREA DESCRIPTION

The subject site is in the Petworth Neighborhood of Ward Four, located at 434 Shepherd Street, N.W. Shepherd Street generally bounds the site to the north, Randolph Street is to the south, 4th Street is to the east and 5th Street is to the west. The neighborhood is developed with moderate density residential structures. There is a mixture of row and

BZA
Case No. 16880
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO.16880
EXHIBIT NO.20


R-4
SQR3238
434 Sheperd Street, N.W.
Shepherd St NW
R-4
SQR3237
R-4
R-4
5th St NW
Illinois Ave NW
Randolph St NW
4th St NW
SQR3236
R-4
5th St NW
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. #16880
DC Office of Planning
May 30, 2002
Scale 1:1120
25 0 25 50 75 100 Feet
Attachment 1

single-family detached houses as well as apartment buildings in the Petworth neighborhood. The subject premises are on the southeast corner of 5th & Shepherd Streets,

There are no other commercial services located within a three-block radius, or within walking distance of the subject grocery store. The closest commercial area is a small low density retail and service area, approximately four blocks to the east of the subject site, at 2nd & Upshur Street, N.W.

The subject structure was built in 1915 and has a long history in the community as a "miscellaneous grocery store." There is a residential unit above the grocery store. The present owner, in response to customer demand for items such as coffee, donuts and packaged sandwiches, proposes to add a deli component to the grocery store. Upon seeking to acquire a license to operate the proposed deli, the applicant was informed that either special exception or variance relief was needed from the Board of Zoning Adjustment, before a license could be issued. There will be no expansion of the size of the subject grocery store, nor will there be seating added to accommodate deli customers. The store will continue to be carry out only. The deli addition will not increase the existing non-conformity, but would only require some minor reconfiguration of the existing space. The owner proposes to locate the deli to the west of the entrance of the store (which is from Shepherd Street) in a windowed area approximately four feet wide, situated on the on 5th Street side of the store. Grocery products would continue to be stocked on double-sided shelves along the center aisle of the store and on shelves along the walls. The grocery store already has a license to sell wine and beer.

AREA ZONING

The subject premises are in the R-4 zone district. The R-4 district is designed to include those areas developed primarily with row dwellings, but within which there have been a substantial number of conversions of dwellings into dwellings for two are more families.

APPLICANT'S PROPOSAL

The applicant proposes to add a delicatessen to an existing grocery store. It is the applicant's position that the subject premises have long been a grocery store, and would continue to serve that function, but the owner would like to add a deli, in order to provide customers with items such as coffee, donuts and packaged sandwiches.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartments are the predominant uses in this land use category.

REQUESTED ZONING RELIEF

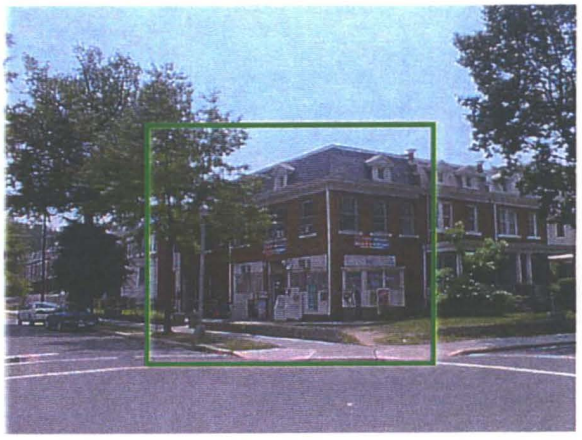
Pursuant to DCMR11, the applicant is seeking relief under Subsection 2003, Changing Uses Within Structures.

2003.1 If approved by the Board of Zoning Adjustment as authorized in §§ 3105 through 3108, a nonconforming use may be changed to a use permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.

2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.



The addition of a deli will not adversely affect the present character or future development of the surrounding area in accordance with this title. The subject grocery store has been an excepted neighborhood facility, at its current location for over twenty years. There are no plans to increase the external size of the store, or to significantly change the internal configuration of the store, in order to accommodate the proposed new deli component. Further, the deli will only offer carry out service. There will not be seating, neither inside or outside for deli customers.



2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic parking and loading considerations, illumination, vibration, odor, and design and sitting effects.



The proposed deli addition will not create any deleterious external effects, including noise, traffic parking and loading, illumination, vibration, odor, nor design and sitting effects. The deli addition

would not increase the existing non-conformity, but would only require some reconfiguration of the existing space. The owner proposes to locate the deli to the west of the entrance of the store (which is from Shepherd Street) in a windowed area approximately four feet wide and fronting on 5th Street. Grocery products would continue to be stocked on double-sided shelves along the center aisle of the store and on shelves along the walls. The applicant does plan to improve the area around the store, including replacing the concrete walkway, adding an appropriately sized trash receptacle and keeping the outside area free of litter and debris. The grocery store already has a license to sell wine and beer.

2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.

The applicant is proposing a use, which is first permitted as a matter of right in the same zone as the existing use, therefore, this condition is met.

2003.5 In residential districts, the proposed use shall be a dwelling, flat, apartment house, or a neighborhood facility.

The subject grocery store has been a neighborhood facility for well over twenty years. The structure was built in 1915 and has a long history in the community as a "miscellaneous grocery store." Its customer base is in the immediate neighborhood, with most customers walking to the store. The proposed improvement is largely expected to serve the existing customer base with a boarder range of goods and services, and is not expected to alter the neighborhood serving character of the existing facility.

2003.6 For the purpose of this section, the district established by this title are listed in the following order of decreased restriction:

2003.7 The Board may require the provision of or direct changes, modifications, or amendments to, any design, plans, screening. Landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it may deem necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

The Office of Planning does not find any such changes to be necessary.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?



Yes. The special exception can be in harmony with the general purpose and intent of the Zoning regulations and Maps. The subject grocery store is a non-conforming structure, which was constructed prior to the adoption of the Zoning Act of 1958. The store is a long-term neighborhood facility, having served the community at the same location for well over twenty years. Further, the addition of a deli component would not increase the existing non-conforming use Grocery products would continue to be stocked on double-sided shelves along the center aisle of the store and on shelves along the south wall. No major changes in the facility are anticipated.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

No. If the Board were to grant the requested special exception, it would not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. The subject building was built in 1915 and has a long history in the community as a "miscellaneous grocery store." The addition of a delicatessen, which would offer coffee, donuts and packaged sandwiches, would not increase the size of the store, nor attract additional customers, but would provide additional food items for the existing customer base. Since there is not another grocery store within three blocks of the subject store, and the subject grocery store has historically served as a neighborhood facility in the Petworth community, the effect of the grocery store is considered positive, with respect to the neighboring properties.

COMMUNITY COMMENTS

To come Monday the 3rd.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Endale Terefa, requesting a special exception to add a delicatessen to an existing grocery store, the Office of Planning recommends that the Board **approve the application**. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 2003 and concludes the application will 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.