GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: December 30, 2003

TO: District of Columbia Board of Zoning Adjustment

FROM: JLS for
Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17094
1834 Columbia Road NW

Summary

The applicant seeks a variance from the floor area ratio (FAR) provisions of §771 to allow 2.3 FAR of commercial use and from the parking space provisions of §2101.1 for a total of 2 parking spaces. The applicant seeks to expand the existing restaurant use to the third floor for a total of 4940 square feet while adding no further parking. The Office of Planning **cannot recommend approval** of these variances based on the failure of the applicant to address the burden of proof for a variance request.

Site and Area Description

The subject property is located at 1824 Columbia Road N.W, Square 2551, Lot 27. The lot is 2,144 square feet, of which the building occupies 1,235 square feet. The building contains four stories and a basement. The subject property and the surrounding neighborhood are zoned C-2-B. The immediate area consists of a wide variety of commercial and medium density residential uses.

Project Description

The existing restaurant occupies the first two floors and the basement of the building. Currently, the commercial use occupies 3,705 square feet, or 1.7 FAR, slightly over the allowed 1.5 FAR. The applicant proposes an expansion of the existing use to the third floor for a total of 4940 square feet, which would increase the commercial FAR to 2.3. There is not room on the lot for additional parking and no off-site parking is proposed.

BZA
Case No. 17094
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17094
EXHIBIT NO. 25



Figure 1: Aerial View

Zoning Requirements

The applicant is requesting a variance from the FAR and parking requirements to allow an expansion of the existing use.

Section	Item	Required/Allowed	Existing	Requested	Variance
771.2	FAR	(Commercial) 1.5	1.7	2.3	0.8
772.2	Lot Occupancy	80%	58%	58%	N/A
404.1	Rear Yard	15 ft	22 ft	22 ft	N/A
2101.1	Parking	8	2	2	6

Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

The original application contained no justification by the applicant showing an exceptional situation or condition of this property or any hardship or practical difficulty other than claims of financial instability. After repeated attempts to contact the applicant, OP was told that the application had been amended to address the variance tests and include the request for a parking variance. As of this date, OP is not in receipt of this additional information and has not been able to locate it in the files at the Office of Zoning.

The ANC has recommended in favor of the requested variances and has presented arguments that address the variance tests, however no information has been received from the applicant to support these arguments. In the absence of supporting evidence from the applicant, OP has not found sufficient justification to support these variances.

Zoning and Comprehensive Plan

The zoning of this property is C-2-B, Community Business Center. This district is designed for "high density residential and mixed uses." §720.8 says that in this district "building use may be entirely residential or a mixture of commercial and residential uses." The Generalized Land Use Map calls for mixed use in this area with light commercial uses on the ground floor and residential above. Approval of the variance would eliminate any potential residential use on this property.

With both the zoning code and the comprehensive plan specifying mixed use for this property, OP will require proof of an exceptional situation and practical difficulty before supporting this request for variance.

ANC Recommendation

ANC 1C has submitted a resolution expressing support of the application. They have requested that the Board address the issue of whether this application constitutes an area variance or a use variance. It is the position of OP that a request to extend the FAR for a matter-of-right use constitutes an area variance rather than a use variance.

OP is aware of no further comments on the application or opposition to this project from the neighborhood.

Recommendation

The Office of Planning concludes that the applicant has not yet met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of variances to permit expansion of the restaurant at 1834 Columbia Road N.W. At this time, the information provided to OP is insufficient to make a favorable recommendation.

The Office of Planning **cannot recommend approval** of the variance by the Board of Zoning Adjustment to allow the FAR and parking variances on the property at 1834 Columbia Road N.W.

AA/tp