GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: March 16, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17133
7331 Georgia Avenue N.W.

Summary

The applicant seeks a variance from the floor area ratio (FAR) provisions of §771 to allow 1.76 FAR of commercial use and from the parking space provisions of §2101.1 for relief from the requirement for parking spaces. The applicant seeks to expand the existing restaurant use to the second floor for a total of 2,821 square feet while adding no further parking. The Office of Planning **recommends approval** of these variances.

Site and Area Description

The subject property is located at 7331 Georgia Avenue N.W, Square 2964, Lot 40. The lot is 1,599 square feet, of which the building occupies 1,456 square feet. The building contains two stories and a basement. The subject property and the neighboring properties on both sides of Georgia Avenue are zoned C-2-A. Georgia Avenue contains mainly commercial uses in this location. The area to the east of the site is zoned R-2 and consists mainly of residential uses.

Project Description

The restaurant currently occupies the cellar and first floor of the building. Additional seating is located outside in the public space. The applicant is requesting use of the existing vacant second floor for expansion of the restaurant. The first floor represents 1,456 square feet of the 2,398 square feet allowed for commercial use at 1.5 FAR. Use of the second floor would increase the above-grade commercial area to 2,821 square feet, or 423 square feet above the allowed FAR.

BZA
Case No. 17133
Exhibit No. 21

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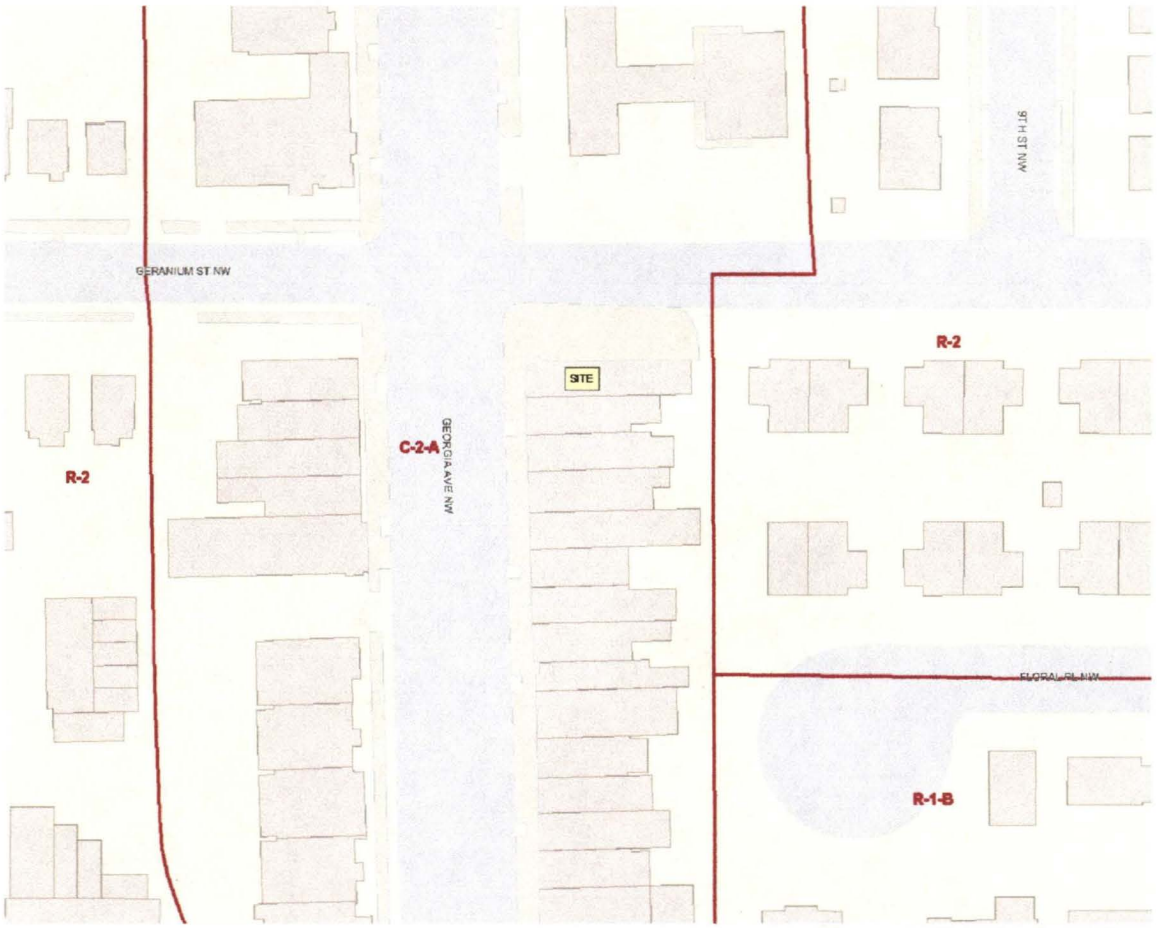


Figure 1: Neighborhood Map

Zoning Requirements

The applicant is requesting a variance from the FAR and parking requirements to allow an expansion of the existing use. The zoning certification submitted with this application mistakenly counts the cellar area into the existing FAR calculations to request a total FAR of 2.3 (3,761sf). Since the FAR definition excludes cellars that extend less than four feet above grade, the actual required relief is much less, only 1.7 FAR (2,821sf).

§2101.1 requires one parking space for every 300 square feet of area above 3,000 square feet for retail and service establishments, including cellar area. The proposed change would increase the use over 3,000 square feet requiring 3 new parking spaces to be provided. The applicant is requesting relief from this requirement due to existing conditions.

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.

Extraordinary or Exceptional Situation

The exceptional situation in this application arises from the size and type of the existing building on the lot. The building was originally built in the 1930s as a two story commercial building with no provision for residential use. Moreover, it was built at over 90% lot occupancy, well beyond the 60% maximum under current regulations. The provisions of the zoning code envision two stories of commercial use in the C-2-A zone by allowing 1.5 FAR of commercial use at 60%. This building was built for two stories of commercial use, but was built prior to the current zoning regulations at 90% lot occupancy creating an exceptional situation for the current owners.

Practical Difficulty

The above situation creates a practical difficulty in the use of the property by creating a situation where the intended use of the property is not allowed and the allowed use of the property is impracticable. By-right use of the second floor would allow the restaurant to use approximately 940 square feet, leaving approximately 425 square feet that could only be used for residential purposes. As stated earlier, the second floor of the structure was not designed or built for residential use and the necessary improvements to separate the two uses within the structure would use up much of the remaining 425 square feet, in addition to being cost prohibitive.

The existing state of the building also provides a practical difficulty in providing additional parking on-site. The existing 90% lot occupancy leaves only about 8 feet at the rear of the building, not enough space for parking off the alley. The applicant has not looked into the option of off-site parking, but clearly there is no option for the provision of spaces on-site.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan.

There appears to be no detriment to the public good from this proposal. The restaurant has been a part of this neighborhood for years and no opposition to the application has been registered by the neighbors.

As to the integrity of the zone plan, the arguments made in reference to the exceptional situation apply here also. The zoning regulations appear designed to allow two stories of commercial use in the C-2-A zone. Approval of these variances for an existing structure

built prior to 1958 at more than 60% lot occupancy will have no negative impact on the intent, purpose and integrity of the zone plan.

ANC Recommendation

No report has been received from the ANC regarding this application. However, the applicant has attended an ANC meeting regarding the variances and states that all feedback was positive to the proposal.

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 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 7331 Georgia Avenue N.W. OP recommends that the applicant be encouraged to seek off-site parking options, but would not require off-site parking for approval.

The Office of Planning **recommends approval** of the variances by the Board of Zoning Adjustment to allow the increase in FAR and from the parking requirement on the property at 7331 Georgia Avenue N.W.

AA/tp