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October 26, 2004

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: 3109 Georgia Ave, N.W. Square 3047, Lot 113
Application for Variance

Dear Mr. Griffis:

Enclosed is a revised Statement of Justification in the subject case BZA No. 17228, plans, survey plat, and pictures of the subject building.

The one apartment in the building is leased to Mr. Timachael Gordon.

The only witness will be Mr. Samuel C. Reynolds.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

Enclosures
cc: Samuel Reynolds

BZA
Case No. 17228
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17228
EXHIBIT NO. 24

REVISED STATEMENT

OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR AREA VARIANCE

PURSUANT TO SECTIONS §§771.2, 2101.1 and 3103

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

3109 Georgia Ave, N.W.

(SQUARE 3047, Lot 113)

BZA Case No. 17228

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INTRODUCTION

This is a Statement of Explanation and Reasons supporting Application No. 17228 of Samuel C. Reynolds Co., Inc., (hereinafter "Applicant") for an area variance from §771.2 of the Zoning Regulations to exceed the allowable FAR for commercial use by approximately 1,338 square feet in the C-2-A Zone District. Additionally, a variance from §2101.1 is needed to reduce the parking requirement from one parking space to none.

DESCRIPTION OF THE APPLICANTS

The Samuel C. Reynolds Co, Inc. and its board chairman, Samuel C. Reynolds, have been conducting a real estate brokerage and appraisal business in the Georgia Ave neighborhood for the past 55 years. They moved to the subject property on April 1, 2002.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property is located at 3109 Georgia Ave, just below Kenyon Street on the East side of Georgia Ave. (Square 3047, Lot 113) Since the basement ceiling is a bit over the 4-foot maximum height from the sidewalk, this must be considered a three-story structure with 2,400 square feet allowed for commercial use. The lot has 1,600 square feet. The Applicant wishes to occupy the first and second floors and a portion of the basement with the real estate brokerage and continue to occupy the remainder of the basement with residential space. The front part of the basement which is intended to be used for office space is less than 6'8" and cannot be used for residential space under the International Building Code.

B. Area Surrounding the Property

South of the subject building are three buildings, 3103, 3105 and 3107 Georgia Ave, with all three floors devoted to commercial use. In fact, 3103 is the Community Medical Building. The adjacent building to the North is under renovation and will presumably be devoted to a commercial use.

C. Zoning History and Use History

The property which is the subject of this Application is a former mixed use building containing retail commercial on the first floor and basement, a rooming house on the second floor, and an apartment in the rear of the basement. The area is zoned C-2-A which permits 2.5 FAR, 1.5 FAR of which may be for commercial uses.

REASONS IN SUPPORT OF THE APPLICATION FOR A VARIANCE

A. Compliance with D.C. Zoning Regulations

Uniqueness

Unlike most of its neighbors on the block, this building was built in 1917 without a useful rear yard. There is only a 3.5 foot space between the rear of the building and the alley. Moreover, the building was built with no internal access between the basement and first floor. In addition, the ceiling in the front part of the basement is only 6'8" which cannot be used for residential use under the current code (International Building Code § 1207.2)

Extraordinary or exceptional physical conditions creating a practical difficulty

The portions of the building not currently in residential use do not lend themselves to such use. For instance, in the basement the front section has only a 6'8" clearance, somewhat smaller than the 7'6" feet required for residential space by the International Building Code §1207.2. Historically, the space has been used for commercial purposes and renovation is planned to permit office use. The rear of the basement has higher ceiling heights and will continue to be occupied by an apartment.

The first floor has brokerage offices and conference rooms. It would be difficult, if not impossible, to carve a portion of the space for residential use. The stairway to the second floor is midway back of the first floor. Finally, at 20 feet wide, the building can accommodate only one stairway to the second floor. There is no room for a second entrance and stairway leading to residential uses on the second floor separate from the commercial uses.

In addition, the second floor does not lend itself to residential use. Neither the front nor rear is suited to residential use by itself. Unless the second floor is devoted to single use, and the doors remain open, there is insufficient light and air, since the windows are only at the front and rear of the structure. Moreover, there is only one bathroom on the second floor and it would have to be shared by both office and residential users. Its entrance is directly opposite the top of the stairs and it is outside the rear space. The bathroom would have to be shared by residential tenants and office workers. Residential tenants could not maintain residential privacy. Finally, the fire escape is at the rear of the building and office workers would not have access to it if it were blocked by a locked apartment door.

The building is not appropriate for most retail uses since there is a 5.5 foot setback from the sidewalk and the entrances are up or down several steps from the sidewalk. It is not configured properly for a store front. The building does, however, lend itself to office or residential use.

Parking

The building occupies nearly 88.75% of the lot leaving no room for parking. However, the property is credited with two spaces. The previous commercial uses were retail, which requires one parking space for 300 square feet after the first 3,000. Since only 1,800 square feet were used for this purpose, no spaces were required. The four residential units would have required 2 spaces.

Section 2101.1 provides that in the C-2-A District there must be one parking space for each 600 square feet of office space after the first 2,000 square feet. Measuring the gross floor area from the exterior walls yields a measurement of 3,738 square feet of commercial office space which requires three parking spaces. (3,738-2000/600=2.9 parking spaces.) In addition .5 spaces are required for the residential unit. Thus, a total of 3.4 spaces would be required. Since we are already credited with two spaces, that leaves 1.4 spaces. The Zoning Administrator only counts one space if more than half is required. Accordingly, one additional space is needed and we have requested a variance from this requirement.

B. No Adverse Effects

In view of the large amount of commercial use on the block, it is unlikely that the use of this building primarily for commercial use would pose any negative effects. There is sufficient street parking during the day. At night, when most commercial uses close down, there should be a surfeit of parking spaces. While there is some walk-in traffic, unlike a retail store, it is neither constant nor voluminous.

ANC 1A

ANC 1A reviewed this application prospectively in February and approved. Unfortunately, the ANC has been unable to find a copy of the resolution as passed and if any copies were sent to the Office of Zoning they have not found their way into the case file.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Commercial Use

The Comprehensive Plan for the Nation's Capital urges better utilization of the Georgia Ave Corridor and enabling of more neighborhood business entities. Among the objectives for economic development in Ward 1 is the desire to

> nurture and create suitable economic activities and employment centers that do not encroach or adversely affect the residential communities in the commercial and mixed-use areas of Ward 1. (§1201.1(A))

In addition the Plan seeks to

encourage the development and retention of needed commercial and service establishments in appropriately zoned locations. (§1202 (m), §1203 (q)(6))

The Plan also states,

A major concern in the ward is that of retaining services needed by residents where they are provided and providing needed services where they are lacking. (1228.3)

Finally, the Comprehensive plan encourages small scale rehabilitation of existing buildings, (§1231.1 (c) (2)) and small business development on Georgia Avenue above Euclid Street. (§1231.1(f) (1) (A))

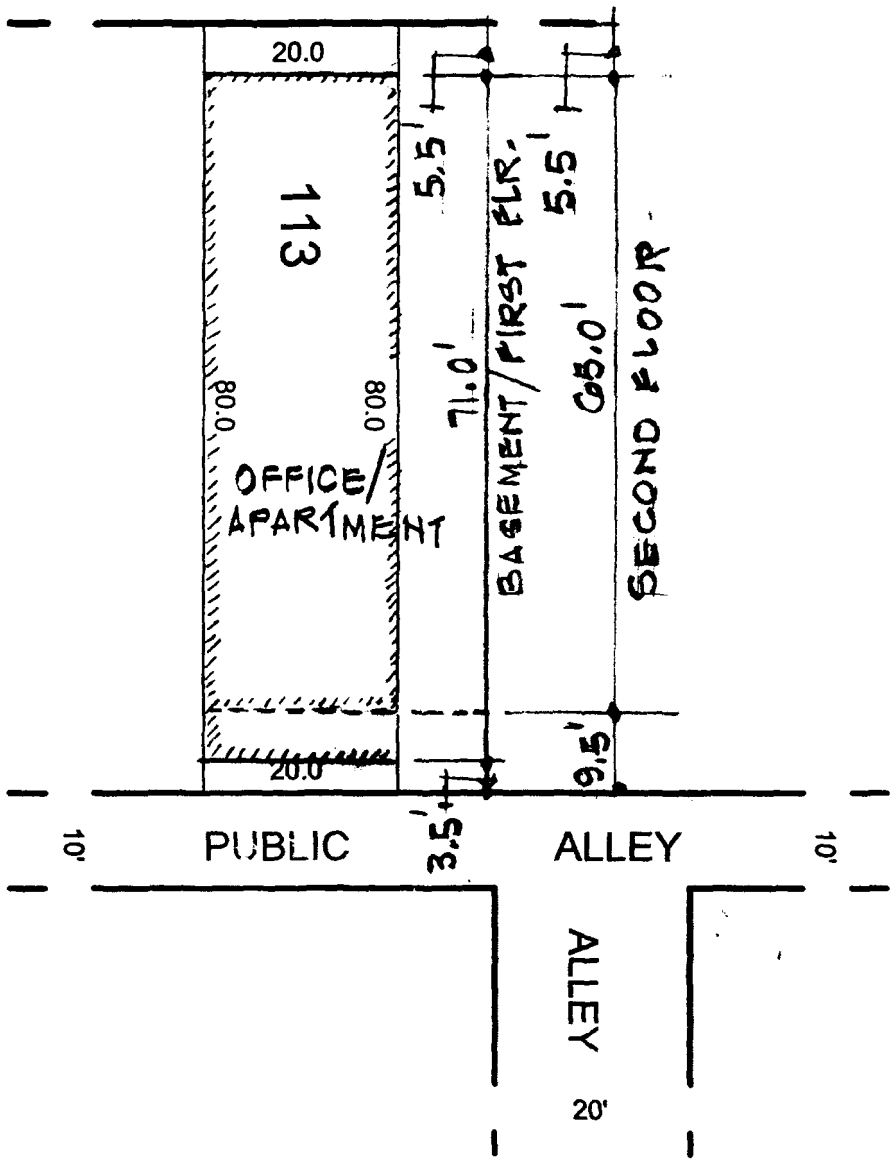
CONCLUSION

The Applicant should be granted FAR and parking variances to allow it to exceed the FAR limitations on commercial use of the building. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,

Stephen N. Gell, Esq.

3109-GEORGIA AVENUE N.W.



Government of the District of Columbia

Advisory Neighborhood Commission 1A

invites you to its

MONTHLY MEETING

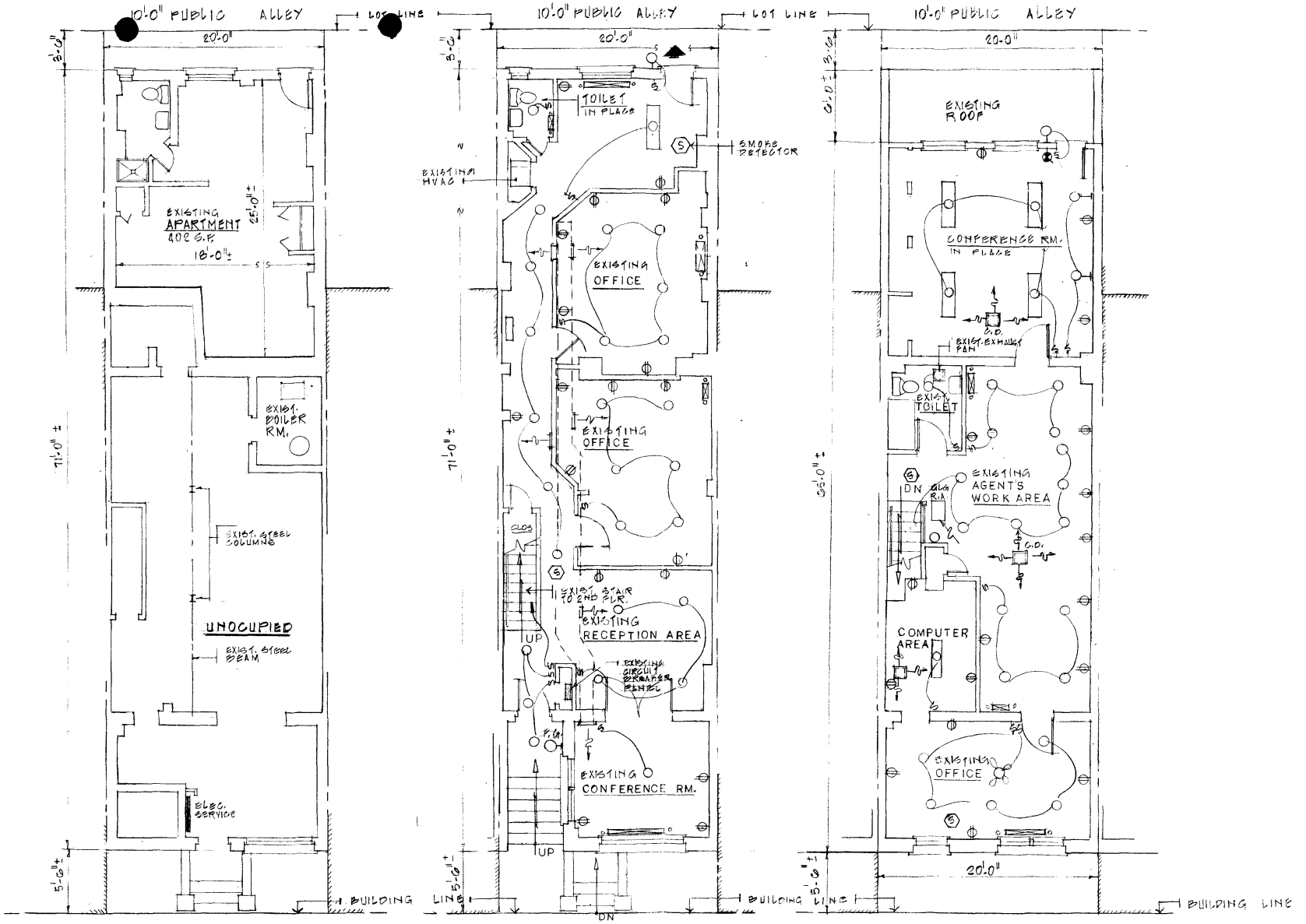
Thursday, December 18, 2003
7:00 – 9:00 pm

3511 14th Street, NW

AGENDA

- ***Jeff Bowen and Meridian Place neighbors—traffic calming measures***
- ***Reynolds Real Estate—zoning variance***
- ***DCRA—proposed parking garage on 14th Street***
- ***Routine ANC business matters***

For additional information call: (202) 588-7278



PROPOSED TENANT LAYOUT FOR OFFICE

LOCATION: 3109 - GEORGES AVENUE, NORTHWEST
LOT: 113 SQUARE: 3047 ZONE: C-2-A
OWNER: SAMUEL C. REYNOLDS SR

DATE: 6-02

SHEET

A1 OF 1


LT REYNOLDS COMPANY INC

