**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 and 3103**

**OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS**

**3109 Georgia Ave, N.W.**

(SQUARE 3047, Lot 113)

**BZA Case No.**

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## INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application 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 912 square feet in the C-2-A Zone District.

## 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.

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 which contained retail commercial on the first floor and basement, a rooming house on the second floor, and an apartment in 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.

**Extraordinary or exceptional physical conditions creating a practical difficulty**

The portions of the building not 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+ feet required. Historically, the space has been used for commercial purposes and renovation is planned to permit office use. The rear of the basement is occupied by an apartment and no change is contemplated.

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, since there is a stairway midpoint.

The second floor does not lend itself to residential use. If there were a second floor apartment, its entrance would be through the real estate office on the first floor, the stairway being in the center of the building. On the second floor, 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, outside the rear space that might be a residential unit. Accordingly, it would be impossible for residential tenants to use the bathroom and 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 an 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 100% of the lot leaving no room for parking. However, the property is credited with two spaces, the same number as would be required for the new uses. 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. Since there would be 3,168 square feet of space devoted to office uses, one space would be required. (3,168-2000 / 600 = 1.95) An additional space would be needed for the apartment.

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.

## 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 comunities 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.