

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Shepard Beamon, Case Manager
Joel Lawson, Associate Director Development Review
DATE: August 30, 2024

SUBJECT: BZA Case 19887A: Request for Modification of Significance to eliminate Condition 10 (BZA Order 19887) to allow trash and recycling disposal and storage in an outside enclosed area at 1724 N. Capitol Street NW.

I. BACKGROUND

A use variance was first approved in March 2019 by the Board in BZA 19887, to permit the conversion of an existing nonconforming non-residential use to a restaurant in the RF-1 zone. The site plan indicated that the use would include an outdoor dining area with six outdoor tables located not far from the requested trash area, however, in conversation with OP, the applicant has indicated they do not have plans to use the outdoor space for dining. The applicant requests a modification to the approved conditions to allow outdoor storage of trash. At the time, OP filed a report generally in support, with modifications to the proposed condition, at Exhibit 13.

At the May 8, 2024 public meeting, the Board determined the request requires a public hearing as a Modification of Significance. This OP report provides updates from the original OP report, but for the Board's convenience, also includes the background information from the original report.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **would not support a proposal to eliminate Condition 10**, as requested by the applicant, but would recommend **approval** of a Modification of Significance for BZA Order 19887 to modify Condition 10 to allow outside storage and disposal of trash, garbage, grease, and recycling in an enclosed area as follows:

The Applicant shall remove, trash, garbage, and grease from the property at least three times per week. The Applicant shall remove recycling at least once per week. All such removal shall occur during morning hours. The Applicant shall retain a private contractor for all such removal. The Applicant shall ensure that the contractor(s) shall not block traffic or impede traffic flow. ~~All trash, garbage, grease, and recycling shall be stored in an internal location.~~

The trash enclosure shall be properly secured and should not be moved from the requested location. Also, the trash enclosure should be properly closed and locked when not in use.

The retention of a revised condition is intended to help address potential issues that could be associated with a separate outdoor trash enclosure. OP has discussed this with the applicant who is in agreement.

OP approval is also contingent upon the applicant also obtaining necessary Public Space Committee and Historic Preservation approvals.

III. LOCATION AND SITE DESCRIPTION

Address:	1724 North Capitol Street, NW
Applicant:	Janet Stedman
Legal Description:	Square 3105, Lot 0072
Ward / ANC:	Ward 5; ANC 5E
Zone:	RF-1, low to moderate density residential; commercial use not permitted by right but permitted on this site by BZA Order.
Historic Districts	Bloomingdale Historic District
Lot Characteristics:	Corner lot measuring 66.66 feet by 32 feet; 2,133 sq. ft. in area. The site is bounded by North Capitol Street, NW to the east, Randolph Street, NW to the south, a residential row house to the west, and a row building to the north.
Existing Development:	Row building with a sit-down restaurant located on the first floor and second floor. The applicant states the restaurant is open six days a week and trash and recycling are collected five days a week.
Adjacent Properties:	Residential row houses and row buildings with nonconforming commercial uses and residential uses.
Surrounding Neighborhood Character:	The surrounding neighborhood character is predominately residential with nonconforming first-floor commercial spaces interspersed.
Proposed Development:	The applicant proposes to store trash and recycling on-site in an outdoor shed.

IV. DESCRIPTION OF MODIFICATION

The use variance for BZA 19887 was approved with conditions including Condition 10 which reads:

The Applicant shall remove, trash, garbage, and grease from the property at least three times per week. The Applicant shall remove recycling at least once per week. All such removal shall occur during morning hours. The Applicant shall retain a private contractor for all such removal. The Applicant shall ensure that the contractor(s) shall not block traffic or impede traffic flow. All trash, garbage, grease, and recycling shall be stored in an internal location.

The applicant has requested to remove Condition 10, which would allow all trash, garbage, grease, and recycling to be stored outdoors instead of in an internal location, as currently required, due to limited space inside the building. The applicant has installed a 10 x 6 foot covered shed along the side of the building facing Randolph Place NW that they currently use for trash disposal. There was previously an uncovered wooden enclosure that has since been replaced by the existing covered shed.

V. OP ANALYSIS

The applicant proposes no significant changes to the restaurant operation but due to the limited size of the building and issues with rodents, the applicant requests outdoor storage of trash and recycling. The applicant has requested the elimination of Condition 10, however, OP recommends retention of a condition such that the requirement for internal storage of trash, garbage, grease, and recycling be removed, but conditions associated with trash collection and storage be retained or added.

The applicant has informed OP staff that they do not intend to have outdoor dining as ancillary use which should lessen potential issues for patrons. The site previously had an outdoor enclosure that has been replaced with the current shed. OP's previous report stated the shed would not encroach into the public right-of-way, however, the property includes a 15 ft. building restriction line along Randolph Place NW, into which the shed would encroach, and which requires Public Space Committee review. The property is also in the Bloomingdale Historic District so the shed would require Historic Preservation consideration.

The applicant has stated they meet the minimum trash and recycling collection days as required by Condition 10. OP recommends additional language to Condition 10 to ensure the trash enclosure is properly secured and should not be moved from the requested location. Also, the trash enclosure should be properly closed and locked when not in use. This is intended to try to minimize potential issues that could be associated with the trash location.

VI. OTHER DISTRICT AGENCIES

DDOT previously provided a report stating no objection to the proposed action. To date, no other comments from other District agencies have been received since the May 8, 2024 public meeting.

VII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 5E submitted a letter of support with conditions at Exhibit 18.

VIII. COMMUNITY COMMENTS TO DATE

Since the BZA decision to hold a public hearing on this case, a number of letters have been filed to the record expressing concerns about this proposal.

LOCATION MAP

