



Supplemental Report

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: December 9, 2019

SUBJECT: BZA #20135 – 3428 O ST NW– variance relief for a prepared food shop use within a commercial space in a residential zone

I. BACKGROUND

At Exhibit 39 and 117, OP filed reports in support of the requested variance relief for a prepared food shop use. At its December 4, 2019 public hearing the Board requested that the Applicant consider the corner store use instead of the prepared food shop use. The Applicant identified that, as a corner store, the proposal would require area variance relief pursuant to U§ 254.16 because the site is less than 750 ft from an area zoned for commercial development, in this case an area zoned MU-3A (see map attachment). 750 feet is the minimum distance required in U§ 254.6(g) for a corner store located in the R-20 zone to be separated from a mixed use zone.

II. RECOMMENDATION

OP has reviewed the Applicant’s area variance argument for this amended application, and recommends **approval**.

III. ANALYSIS OF ADDITIONAL RELIEF REQUESTED

Exceptional Situation Resulting in a Practical Difficulty

The building is exceptional in that it was constructed and has been in constant use as a corner store use in a residential zone, with commercial on its first floor and basement levels and residential above. The lower levels have always functioned as commercial spaces and were originally built for a grocery store. Years later the grocery store was replaced with a health store, which was later replaced with a flower/gift shop – all uses that are also consistent with the corner store provisions.

Since the building’s lower levels have always been commercial, they have a commercial space configuration and layout. This includes the building’s corner entrance and large display store windows. The proposed use is consistent with the intent of the corner store provisions,

No Substantial Detriment to the Public Good

No substantial changes would occur to the outside of the building so its physical appearance should not disturb the character of the neighborhood and the integrity of the Historic District. Additionally, the Applicant has demonstrated measures that would be taken to mitigate potential impacts on the surrounding area.

The proposed corner store would be open every day between the hours of 7:00 AM and 3:00 PM with deliveries occurring around 6:00 AM. The store would have 3-6 employees per shift. Customer flow should be quick and efficient to minimize lines and foot traffic in front of the building. The Applicant's documents also show that if a customer line were to develop it could be adequately managed to prevent potential conflicts with pedestrians (Exhibit 113A). No seating would be provided in the store and customers would not be encouraged to stand in front of the building after receiving their orders. Trash would be collected every day by a private company and the store would have weekly pest control. The Applicant has also agreed to a condition limiting the hours of operation to the hours specified in the application, as proposed by OP, in order to mitigate potential impacts.

No Substantial Harm to the Zoning Regulations:

Allowing a corner store in this location should not harm the zoning regulations. The intent of the distance provision is to minimize potential impacts that the corner store commercial use could have on commercial corridors. Although the site is less than 750 feet from the MU-3A zoned area, it is well in excess of 750 feet from the main M Street and Wisconsin Avenue commercial corridors. The proposed use is also consistent with the use permissions for a corner store, which include eating and drinking establishments (U § 254.2), including food assembly and reheating (U § 254.8).

The applicant's submission indicates that they would meet all other requirements for a corner store, such as storage, signage, and trash collection and removal. The site is at the corner of two streets, so is not an interior lot where the use would not be permitted pursuant to U § 254.7(e) in the R-20 zone. The applicant has indicated the number of employees, the hours of operation, and a description of the proposed use.

Location Map:

