

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 26, 2021

**SUBJECT:** BZA Case 20410 (5504 Connecticut Avenue, N.W.) to permit a fast food restaurant use in an existing mixed-use building in the MU-3A zone.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) is unable to provide a recommendation for the following requested use variance relief:

- Fast Food Establishment Use, Subtitle U § 510.1(g)(3), pursuant to Subtitle X § 1002 (fast food establishment use not permitted; fast food establishment use proposed).

The Office of the Zoning Administrator referred the subject case, requiring a use variance, to the BZA by a memorandum dated July 23, 2020 (Exhibit 2). Subsequently, in September 2020, the Zoning Commission approved a text amendment (ZC Case 20-10) that allows the proposed use with the approval of a special exception subject to the stated conditions. OP has suggested to the applicant that they explore the option of modifying the application to request special exception relief; to date, the application has not been amended but if it is, OP would provide analysis of the relevant criteria prior to a public hearing.

A use variance would be required if the applicant is unable to comply with the special exception criteria. Based on the information currently provided in the record, OP would not be able to support a use variance. OP has advised that additional information would be needed should the application continue to be for a use variance (some of which would also be needed if the applicant is amended to a special exception) including:

- 1) sufficiently demonstrating that the owner of the property would experience a hardship if the fast food establishment is unable to operate at the subject location;
- 2) sufficiently demonstrating that there is an extraordinary or exceptional situation that would preclude an allowed use from occupying the suite;
- 3) location of the trash and frequency in which it would be picked up;
- 4) hours of operation; and
- 5) availability of parking.

If submitted, OP would provide analysis of the proposed use against the variance requirements prior to a public hearing. The applicant has indicated that they intend to request a postponement in order to modify the application. As of the date of this report, it has not been requested.