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Burden of Proof
Special Exception Application

5335 Georgia Ave,
Northwest To: Office of
Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW

From: Alexander Hamilton
Agent
5335 Georgia Ave, NW
Washington DC 20011

Date: February 22, 2026

Re: BZA Application for New fast-food establishment at

5335 Georgia Ave, NW (Square 2997,Lot 0131)

RO&LEX LLC, owner of 5335 Georgia Ave, NW, hereby apply for a Special Exception pursuant to Subtitle X, Chapter 9, to convert the existing space to a new fast-food establishment. The zoning relief requested is as follows:

Application of RO&LEX LLC, pursuant to 11 DCMR Subtitle X,Chapter 9, for special exceptions under Subtitle U §513.1 from the matter-of-right use requirements of Subtitle U §512.1, to convert the existing space to a new fast-food establishment in the MU- 4 zone, at premises 5335 Georgia Ave NW (Square 2997, Lot 0131).

I. Summary:

This special exception qualifies under Subtitle X, Chapter 9, because the proposed use change will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

Subtitle U §512.1: Relief is requested from the matter-of-right use limitations for a property in the MU-4 zone.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21506
EXHIBIT NO. 20

II. Qualification of Special Exception

513.1 Special Exception Review Standards

By satisfying the requirements of U-513.1, the application also meets the general special exception requirements of X-901.2.

513.1

1. No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a R, RF, or RA zone, unless separated therefrom by a street or alley;

- No part of lot is within 25 ft. of residential zone.

2. If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;

- Lot lines do not abut alley containing a residential zone.

3. Any refuse dumpster shall be housed in a three (3)-sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a residential zone;

- No refuse dumpster shall be used. 65 gallon trash cans will be used for waste. All refuse shall be stored within a dedicated trash room located entirely inside the building, as identified on the plans submitted herewith. No refuse shall be stored outside the building, on public space, or in any exterior dumpster.

4. The use shall not include a drive-through;

- No drive-through shall ever be used for this use.

5. The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;

- This use shall not be objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions, as demonstrated by the following:

  Type of Establishment. The proposed use is a carry-out fast-food establishment, to be operated under the trade name Taqueria al Lado. No seating, interior or exterior, is proposed, and no drive-through is proposed.

  Hours of Operation. The establishment shall operate from 8:00 a.m. to 6:00 p.m. No late-night or early-morning operations are proposed.

  Employees. A maximum of four (4) employees shall be on site at any one time.

Noise and Sound. The establishment shall not feature amplified music, live entertainment, or any other source of noise associated with its operation. As a carry-out use with no seating, all operations shall be conducted entirely within the building, and no noise-generating activity shall occur on the exterior of the premises.

Odor. The kitchen exhaust hood shall discharge at the roof of the two-story building, well above the pedestrian level and the neighboring properties, such that no strong odors shall be emitted at or near grade. The proposed menu does not include any deep-fried items, further limiting the generation of cooking odors. The vent located on the front façade serves solely as a makeup air vent for the hood system.

Grease. Because no menu items are deep fried, no fryer grease shall be generated or accumulated on site, and no exterior grease storage or disposal is required.

Trash. All refuse shall be stored in 65 gallon trash cans within an enclosed trash room located inside the property. Refuse shall be removed six (6) days per week directly from inside the property. At no time shall trash be stored outside the building, placed on the street, or kept in an exterior dumpster.

Lighting. No exterior seating is proposed; accordingly, the existing lighting at the front façade is sufficient for the proposed use and no additional exterior lighting is proposed.

Façade. No façade improvements are proposed.

6. The use shall provide sufficient off-street parking, but not less than that required by Subtitle C, Chapter 7 to accommodate the needs of patrons and employees;

- Per Subtitle C §705.1, Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use exceeds the number of spaces required for the prior use that occupied the same gross floor area. Per Subtitle C §705.2, When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided at least the minimum number of spaces required. The existing and proposed use for this building is an Eating & Drinking Establishment, therefore the parking requirements shall remain the same and no additional parking is required.

7. The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic conditions; and

- No dangerous or objectionable traffic conditions will be created by the change of use.

8. The Board of Zoning Adjustment may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property;

- Will comply

901 Special Exception Review Standards

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the

judgement of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

- Proposed use change will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

- Proposed use change will not affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, for the reasons set forth in response to Subtitle U §513.1(5) above

(c) Will meet such special conditions as may be specified in this title.

- Proposed use change will meet such special conditions as may be specified in this title.

Please do not hesitate to contact the authorized agent Alexander Hamilton with any questions.

Thank you.



Alexander Hamilton
Agent to Applicant
202 / 905-6989