District of Columbia
Office of Planning

MEMORANDUM

TO: Board of Zoning Adjustment for the District of Columbia

FROM: Philip Y. A. Isaiah, Development Review Specialist
MBR Maxine Brown-Roberts, Associate Director, Development Review

DATE: October 16, 2026

SUBJECT: BZA Case 21506, Request for special exception to permit a fast-food establishment at 5335 Georgia Ave, NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Fast food establishment use, Subtitle U § 513.1(e) pursuant to Subtitle X § 901.2

II. LOCATION AND SITE DESCRIPTION

Address	5335 Georgia Ave, NW
Applicant	RO&LEX, LLC, representation by Benestate
Legal Description	Square 2997, Lot 131
Ward, ANC	Ward 4; ANC 4D
Zone	MU-4
Historic District	N/A
Lot Characteristics	The roughly rectangular-shaped, 1,041 sq. ft. property is located on the corner of Jefferson Street and Georgia Avenue, NW. The corner lot has 20.2 feet of frontage along Jefferson Street and 57 feet of frontage along Georgia Avenue.
Existing Development	The subject property is developed with a two-story, corner, row building. A specialized horizontal window is located on the front façade of the building adjacent to Jefferson Street.
Adjacent Properties	The adjacent Lot 804 is developed with a single-unit row dwelling also zoned MU-4 with a 3-foot rod iron fence separating the front yard from the subject property. Lot 115 to the rear is vacant.
Surrounding Neighborhood Character	The neighborhood consist of the Georgia Avenue commercial corridor with complementary residential uses along the side streets. The adjacent blocks along Georgia Avenue contain commercial buildings, 1 to 3 stories, also in the MU-4 zone. The side streets are predominately developed with row dwellings in the MU-4, R-3, and RF-1.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21506
EXHIBIT NO. 22

Proposed Development	The applicant proposes to operate a taco shop in the existing building. Taco shops and other quick-service food businesses are defined as fast food establishments under the Zoning Regulations and fast-food establishments must obtain BZA approval to operate in the MU-4 zone. The proposed fast-food establishment would operate from 8:00 am to 6:00 pm, daily. The horizontal ground floor window along the front façade would be converted to an order window and customers would order and pick up their orders from outside the building. No indoor or outdoor customer seating is proposed. The applicant intends to operate the use with no more than four employees on site at any one time. Other than the order window conversion, no external construction or exterior lighting is proposed to accommodate the use. Trash from the use will be stored in 65-gallon trash cans contained fully within the building. No use of grease is proposed.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – MU-4	Regulation	Existing	Proposed[1]	Relief
Density G § 201.1	1.5 FAR (Non-Res.)	Not provided	No Change	None Requested
Height G § 203.2	50 ft. max.	<50 feet	No Change	None Requested
Rear Yard G § 207.6	15 ft. min.	>15 feet	No Change	None Requested
Side Yard G § 208	None required	0 ft.	No Change	None Requested
Lot Occupancy G § 210	60%	Not provided	No Change	None Requested
Vehicular Parking C § 701	1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft. (Thus, 0 spaces)	2,289 sq. ft	No Change	None Requested
Use Provisions U § 513.1(e)	**Fast Food must obtain special exception.**	**N/A**	**Fast Food Establishment**	**Special Exception Requested**

[1]As provided by the Zoning Administrator (Exhibit 11).

IV. OFFICE OF PLANNING ANALYSIS

Subtitle U § 513 SPECIAL EXCEPTION USES (MU-USE GROUP E)

513.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use below:

(e) ***Fast food establishments*** *or food delivery service eating and drinking establishments in any of the MU-4 zones, subject to the following conditions:*

(1) If the use is a single tenant in a detached building:

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

b. 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;

The use is not a single tenant in a detached building. This standard is not applicable.

(2) Any refuse dumpster use by the establishment shall be housed in a three (3)-sided 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 or be within ten feet (10 ft.) of a R, RF, or RA zone;

Refuse from the use will be stored in 65-gallon trash cans contained fully within the building and therefore no refuse dumpsters are proposed as part of the operation. This standard is not applicable.

(3) The use shall not include a drive-through;

No drive-through is proposed. This standard is met.

(4) 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;

The use should not become objectionable to neighboring properties because of noise, sounds, odors, lights, or hours of operations.

The proposed hours of operation are 8:00 am to 6:00 pm, daily, which do not appear out of character with other commercial uses along Georgia Avenue. No on-site customer seating is proposed. Refuse would be stored inside the building at all times, and the applicant indicates that cooking exhaust would be vented above the roofline. No amplified music or additional exterior lighting has been proposed.

(5) 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;

The vehicular parking requirement only applies if the use is greater than 3,000 sq. ft. in gross floor area. The bicycle parking requirement only applies if the use is greater than 4,000 sq. ft. The subject building is 2,289 sq. ft. in GFA. As such, no vehicular or bicycle parking is required. The subject use would not be major in scale and is adjacent to high frequency bus service and located along the walkable Georgia Ave. Therefore, providing zero off-street parking for the use appears sufficient, thus meeting this standard.

(6) The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic conditions; and
No modifications to existing traffic circulation is proposed under this application.

(7) 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;

OP does not recommend special treatment.

Subtitle X Section 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 judgment 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;

The intent of the MU-4 zone is to provide low to moderate density shopping and business needs for segments outside of the central core of the District with access to main roadways. The fast-food establishment would be located as part of a two-story commercial building adjacent to Georgia Ave near other business and residences, which meets the intent of the Zoning Regulations.

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

Neighboring property is unlikely to be adversely affected by the proposed fast food establishment. Trash will be stored inside the building, and no grease waste is anticipated. The ventilation system will be located above the roofline of the building. This standard is met.

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

The subject application meets the standards contained in Subtitle U § 513.1 (e) as noted above.

V. OTHER DISTRICT AGENCIES

No comments from other District agencies has been supplied to the record at this report's publication.

VI. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 4C have been supplied to the record at this report's publication.

VII. COMMUNITY COMMENTS TO DATE

No public comments have been supplied to the record at this report's publication.

Attachment 1: Location Map

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