

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12454 of Caro-Dono Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Paragraph 5102.52) to permit a restaurant on the second (2nd) floor in the C-2-B District, at the premises 1811-13 Columbia Road, N.W. (Square 2549, Lot 869).

HEARING DATE: July 20, 1977
DECISION DATE: September 7, 1977

FINDINGS OF FACT:

1. The subject property is located at 1811-13 Columbia Road, N.W., in a C-2-B zoning district.
2. Lot 869 is improved with a two (2) story building which occupies nearly 100% of the lot's buildable area. The lot is approximately 6,326 square feet in area.
3. The premises consists of a reinforced concrete and masonry building, built in 1929, consisting of a full basement, ground floor and second story. The ground floor and a part of the basement are leased and occupied by a specialty grocery store and television repair shop. Entry to the second story is by way of a six foot wide stairway. Ingress and egress to the second floor are independent of the ground floor tenants. The building provides service areas, loading platforms in the rear, storage area, dumb waiters, kitchen space and stacks.
4. The second floor, containing about 2,650 square feet, is vacant. It is divided into one large area and a number of smaller ones. The smaller areas include bathrooms and storage areas and an office area. The second floor appears to have been constructed as a ballroom.
5. The west side of the 1800 block of Columbia Road contains a number of retail outlets including a carry-out, a restaurant, a florist, a clothing store, a liquor store and a dry cleaning store in addition to the shops on the first floor of the subject property. Across the street from the site are a grocery store, three restaurants, a carry-out and a real estate office. There are also three, four, and six story apartment houses in the area. Directly across Columbia Road is a vacant tract of land on which a bank building is proposed. Most of the retail outlets along these streets are located on the first floor of converted row structures and in two-story buildings. Most of the retail and service facilities in the area do not provide off-street parking.

6. The C-2-B District standards regulate uses vertically within buildings or structures. In the ground floor story all uses allowed in the C-2-A District are permitted, in the second story, offices or residences are permitted and in all subsequent stories only residential uses are permitted.

7. The applicant seeks to establish a restaurant on the second floor of the subject building. This use is not permitted unless the Board of Zoning Adjustment approves the use variance which the applicant seeks.

8. Evidence was presented that the operating expenses for the subject space for office use (heat, light, air conditioning, taxes, cleaning etc) would approximate three dollars per square foot on the useable area of approximately 2,600 square feet or approximately \$7,800 per year. It is unlikely that the space could be rented for offices for three dollars per square foot. In addition the said operating costs did not take into account the amortization of a new loan necessary for the expense of converting the present area into useable office space.

9. Evidence of record further reflects that remodeling the subject space for residential uses is very costly, and that due to the unusual design of the second floor of the building as one large room, utilization of that area for apartments is not likely. Furthermore, the costs necessary to convert the building into residential use would raise the necessary rental price above what the market would bear.

10. Between 1964 and the present time permits were issued for the second floor of the subject premises for a dance studio, private club house for meetings and language instructions, studio space for graphic artists, offices and meeting rooms for waiter's union local 781 and office. All of the foregoing uses were retail or service uses.

11. The Municipal Planning Office by report dated July 14, 1977 and by testimony at the hearing, opposed the application on the grounds that the subject property had no unique or unusual condition to preclude it from being used for a use permitted in a C-2-B District. The Municipal Planning Office did not evaluate the practical feasibility of such uses actually occupying the premises.

12. There are approximately twelve parking spaces on the side of the building that would be available for the patrons of the restaurant. The applicant stated that it is anticipated that many patrons will be from the neighborhood and will not use their cars.

13. Advisory Neighborhood Commission 1C, the Addams Morgan Organization and other private citizens opposed the application on the grounds that existing parking and traffic congestion would be increased, that the plans for the proposed use are vague and unclear, that the subject property backs into residential space with no buffer at all and that the community is engaging in a major study of zoning in its neighborhood and thus the variance request is premature in light of that study.

14. The record contains letters and signed petitions in favor of the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of a hardship. Based on the record, the Board concludes that the subject second floor, although zoned for residences and office uses, was originally constructed for and rented for retail and service oriented facilities, not residences or offices. The cost to renovate this property to a use permitted in a C-2-B District would be prohibitive and unreasonable. The Board concludes that no reasonable use of the second floor can be made for a purpose normally permitted in the C-2-B District and to deny the application would deprive the owner of reasonable use of the second floor. The Board concludes that the applicant proposes to provide more parking than the majority of the existing retail and service facilities in the area and that the applicant has thus gone as far as is reasonable to protect the character of the area.

The Board concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board notes that the C-2-B District is a mixed use district, and that the restaurant would be a use permitted as a matter-of-right on the ground floor. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to GRANT).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

