

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12615, of Capitol Hill Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against adding to a non-conforming structure which currently exceeds the floor area ratio requirements (Paragraph 7107.21) from the floor area ratio (Sub-section 5301.1 and Paragraph 7107.23) and rear yard (Sub-section 5303.1 and Paragraph 7107.22) requirements to permit an addition to a restaurant which is a non-conforming structure in the C-2-A District at the premises 301 Massachusetts Avenue, N.E., (Square 782, Lot 20).

HEARING DATE: March 22, 1978

DECISION DATE: March 22, 1978 (Bench Decision)

FINDING OF FACT:

1. The application was amended at the Public Hearing to seek only variance relief from the rear yard provisions of the C-2-A District. A recomputation of the gross floor area of the subject site by the Zoning Regulation Division, dated March 20, 1978, revealed that the existing structure plus the proposed addition did not exceed the permissible F.A.R. of the C-2-A District for this site.
2. The subject site is located entirely within a C-2-A District at the southeast corner of the intersection of Massachusetts Avenue and Third Street, N.E., and is known as premises 301 Massachusetts Avenue, N.E.
3. The property is improved with a structure having three stories at its northern frontage on Massachusetts Avenue, two stories on its Third Street frontage and one story over which the addition will be erected.
4. The subject site has a lot area of approximately 1,277 square feet and varies in width from thirty-five feet to seven feet. The lot is almost triangular in shape.
5. The existing structure is built to all lot lines except for a 5.4 foot rear yard. This structure has a width varying from thirty-five feet to seven feet. The structure is almost triangular in shape.

6. A Certificate of Occupancy, No. B104790, dated December 7, 1977, permits the first floor and mezzanine to be used as a restaurant, seating sixty-six persons on the first floor and twenty-four on the mezzanine floor.

7. The subject site is occupied by the Man in the Green Hat Restaurant, a conforming use in the C-2-A District. Applicant seeks permission to expand the kitchen area by an addition to the restaurant encompassing one hundred square feet on the second floor. The subject structure as existing provides a rear yard of 5.4 feet. The proposed addition will not decrease the rear yard area presently existing; consequently, a variance of 9.57 feet (63.8 per cent) is requested.

8. The present request for relief arises from the restaurant owners need to provide additional kitchen facilities to properly conduct their operation. The restaurant is in extreme need of additional refrigerator and freezer space and more area in which to prepare and store food. The proposed addition will provide space for large refrigeration units plus additional preparation and storage space. Relocation of some items from the existing kitchen will allow more area to be used for food preparation.

9. The applicant testified that it cannot locate the addition above the present kitchen as any location for food preparation and refrigeration space must be on the same floor level as the kitchen and that the components of the kitchen facility located on two separate floors is impractical because of inefficiencies of space utilization and time required for food preparation activities. Also, a recently installed fifteen ton air conditioning and ventilation unit sits on that area and would have to be removed. This part of the lot is only approximately twenty feet in depth at its widest point and so does not provide an adequate rear yard. The applicant further testified that it cannot locate the addition below the existing kitchen for the same reasons of inefficiencies of time and space and available lot depth; that the location below the existing kitchen would drastically reduce applicant's seating capacity; that the layout and floor space of the existing structure preclude the addition being placed inside the building in a location nearer the Massachusetts Avenue street frontage; no available floor space exists on the second floor where the addition could be placed. Immediately adjacent to the kitchen are the restroom facilities which cannot be relocated. To erect the addition in the north section of the structure would necessitate a redesign of the entire second floor except the kitchen and is economically impracticable.

10. Applicant submitted a petition with six signatures of neighbors in favor of the application, and one letter from an abutting row dwelling resident. There was one letter, on file, in opposition on the grounds of the nuisance and inconvenience arising from new construction and that the restaurant did not serve the neighborhood primarily.

11. The Capitol Hill Restoration Society, Inc., in a letter dated March 22, 1978, stated that because certain questions of fact and interpretation remained unresolved at the time of its membership meeting, the Society has no position on the application.

12. Advisory Neighborhood Commission 6A, made no recommendation on the application.

CONCLUSIONS OF LAW:

The applicant seeks an area variance, the granting of which requires a showing of a practical difficulty arising from the property itself. The Board finds that the size, shape and narrowness of the existing lot and structure establishes such difficulty.

The Board concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

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

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AGTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER: 29 MAR 1978