

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12942 of Brookland Properties, Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Sub-section 7104.2 to change a non-conforming use from a grocery-carryout and variety store at 901 Monroe Street, N.E. and retail book store at 903 Monroe Street, N.E. to a restaurant, first and second floors and under Sub-section 7105.2 to extend the restaurant to the second floor at 901 Monroe Street and first floor of 905 Monroe Street and a variance to allow structural alterations (Sub-section 7105.2 and 7106.11) in an R-2 District at the premise 901, 903 and 905 Monroe Street, N.E., (Square 3829 Lots 13 and 14).

HEARING DATE: May 23, 1979  
DECISION DATE: June 6, 1979

FINDINGS OF FACT:

1. The subject property is located at the southwest corner of the intersection of 9th and Monroe Streets, N.E. and is known as 901, 903 and 905 Monroe Street. It is in an R-2 District.

2. The existing premises at 901 Monroe Street contains two floors. The first floor has an area of approximately 1,250 square feet and was originally erected and used as a store. The second floor was previously used as an apartment and has an area of 1,100 square feet.

3. The premises 903 and 905 Monroe Street are single story structures, with store front windows, having areas of 375 and 500 square feet, respectively. Both are located on a single lot. There is no history of residential use of either of these structures.

4. The subject site is currently vacant and in a dilapidated condition. The site has a history of non-conforming uses. The most recent certificates of occupancy have been for a grocery carry-out and variety store at premises 903, and a church at premises 905.

5. The applicant proposes to use the entire subject premises as a restaurant seating 135 persons. The applicant's plan would convert the three existing buildings into a single structure and renovate and rehabilitate the structures.

6. The applicant resquests the approval of special exceptions to change non-conforming uses on the first floor of 901, and 903 Monroe Street and to extend a non-conforming use to the second floor of 901, and 905 Monroe Street and a variance for structural alterations in order to establish a restaurant.

7. The general character of use and structures within 300 feet of the subject site consists of a mixture of uses. To the north is the vacant Brooke Mansion now owned by WMATA and the Brookland Metro Station. To the west are residential uses and the Metro tracks and to the east and south are mixed residential uses.

8. The previous grocery-carry-out and variety store use at 901 Monroe Street was a non-conforming commercial use in an R-2 Zone. A grocery-carry-out and variety store are first permitted in the C-1 District.

9. The retail book store use at 903 Monroe Street was a non-conforming commercial use in an R-2 Zone. A retail book store is first permitted in a C-1 District.

10. The proposed use of the subject premises as a restaurant is also first permitted in a C-1 District.

11. The restaurant will be named the Pryor Tree Inn as an identification with the subject neighborhood. The hours of operation will be from 11:30 a.m. to 2:00 a.m. with possible breakfast hours. There will be at least twelve employees on the premises at any time.

12. The applicant intends that the restaurant will serve the local residents as walk-in patrons, patrons who use Metro, and the students at Catholic University and Trinity College who are within a fifteen minute walking distance.

13. The applicant will provide seven on-site parking spaces in the rear of the subject property. No on-site parking is required by the Zoning Regulations since the subject property has had a parking credit for the non-conforming uses and other uses since 1958.

14. Delivery trucks will park on the street and deliver through the rear of the subject property.

15. On-street parking in the subject area is limited to two hours for non-residents.

16. The applicant requests variance relief to permit structural alteration for the removal of load bearing walls between the three buildings. This variance is necessary to create a large enough open space for operation of a restaurant.

17. The subject site is improved with three structures, having three separate entrances, located on two record lots. Lot 14 contains two structures, one of which is 500 square feet in size and the other of which is 375 feet. Both structures are 12-1/2 feet in width and cannot be subdivided so as to create conforming lots or structures.

18. The proposed structural alterations are internal. There will be no structural changes to the exterior of the building. Its design will be retained as in keeping with the neighborhood.

19. The applicant's architect testified that the proposed use is not substantially involved with the standards of external effects established for a C-M district under the Zoning Regulations. The Board so finds.

20. The Board has considered the arrangement, design and architectural features of all existing and proposed structures and finds that the renovation and rehabilitation of the subject site will be beneficial and non-injurious to surrounding uses.

21. The proposed use does not involve activity outside the existing building and there is no need for the Board to impose any requirements for special screening or other protective measures except as for the parking spaces hereinafter conditioned.

22. A neighboring property owner opposed the application at the Public Hearing on the grounds that the proposed use would invite outsiders into a quiet, peaceful neighborhood and that the use would create parking problems. In a letter, subsequent to the Public Hearing, the neighbor withdrew his objections.

23. Advisory Neighborhood Commission 5A made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking special exceptions to change and extend a non-conforming use and for a variance to allow structural alterations.

As to the special exceptions the Board concludes that the applicant has substantially complied with the requirements of Sub-sections 7104.2 and 7105.2. The existing uses and the proposed use are first permitted in a C-1 District. The Board concludes that the restaurant use will be a neighborhood facility and additionally will not be objectionable because of noise or traffic. The subject property will be rehabilitated from a vacant, dilapidated property to a structure that is in harmony with neighborhood property. The proposed use does not conflict with the standards of external effects for a C-M District.

The Board further concludes that the special exceptions can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that they will not tend to affect adversely the use of neighboring property.

As to the variance the Board concludes that the applicant is seeking an area variance because the variance relates to a physical condition of the property rather than how the property is used. The granting of an area variance requires a showing of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property itself. The Board concludes that the existing improvements and size of the lots creates a practical difficulty inherent in the property.

The Board further concludes that the variance relief 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 in its entirety subject to the CONDITION that the applicant shall provide seven parking spaces as indicated on Exhibit 25 of the record except that the parking spaces to the rear shall be twenty feet from the rear property line instead of ten feet as shown on the exhibit and that the front parking spaces shall be at least thirty feet from the subject structure.

VOTE:

3-0 (Charles R. Norris, Chloethiel Woodard Smith and John G. Parsons to grant, William F. McIntosh not voting, not having heard the case).

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

ATTESTED By:                     *Steven E. Sher*                      
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:                     7 AUG 1979                    

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECITONS.