



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director for Development Review & Historical Preservation

**DATE:** January 5, 2009

**SUBJECT:** **BZA Case 18019** - Request for special exception relief at 6215 Georgia Avenue NW

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **approval** of a special exception per § 733 to continue operation of a fast food restaurant in this lease space, subject to a condition that the vinyl mesh on the chain link fence around the dumpster area be attached to the fence to form an effective visual screen.

### II. AREA AND SITE DESCRIPTION

Address:	6215 Georgia Avenue NW
Legal Description:	Square 2979 Lot 0039
Ward:	4B
Lot Characteristics:	A generally rectangular lot with frontage along Georgia Avenue and Rittenhouse, NW that also abuts a 15-foot wide alley.
Existing Development:	This lot is developed with the one-story Sheridan Shopping Center that consists of several abutting buildings and a 25-space parking area. The subject 700 square-foot lease space opens onto the Georgia Avenue sidewalk but does not have direct access to the rear of the property through the center. Certificates of Occupancy were issued in 1997, 1998, 1999 and 2001 for a carry-out and deli with no seating in this lease space, but there is no special exception on file for the existing use.
Zoning:	C-2-A – fast food restaurants are allowed by special exception
Historic District:	None
Adjacent Properties:	Properties to the north are developed with one-story commercial buildings made to look like part of the center. Properties to the east across the alley are developed with two-story semi-detached dwellings. To the west across Georgia Avenue are two- and three-story commercial buildings.
Surrounding Neighborhood Character:	A mixture of small-scale commercial and moderate-density residential development (refer to Figure 1).

### III. APPLICATION IN BRIEF

**Applicant:** Ming Zheng

**Proposal:** To continue the existing "China Taste Carry-out" fast food establishment on the subject property. No changes are proposed to the existing building or use.

This family business employs four persons who arrive in one vehicle that is parked in the shopping center lot. Hours of operation would continue to be Monday through Friday, 11:00 AM to 11:00pm; Friday and Saturday, 11:00 AM to midnight; and Sunday, 12:00 noon to 11:00 PM. Although predominantly a take-out establishment, delivery service is offered for food prepared onsite using the same vehicle that brings the family to work.

The two restaurant dumpsters are located behind the shopping center along the existing alley, just north of the open court. Trash is taken from the restaurant around the center perimeter to the dumpster location for pick-up on Tuesdays and Thursdays. The dumpster area (refer to Figure 1) is surrounded by a gated eight-foot tall chain link fence topped with barbed wire. Vinyl mesh is also gathered at the top of this fence.

**Relief and Zoning:** The Zoning Administrator referred this request for Board of Zoning Adjustment Review in a letter dated September 29, 2009, noting that this use requires special exception approval in accordance with the provisions of § 733.1 of the Zoning Regulations. In response the applicant submitted this application for BZA consideration.

### IV. OFFICE OF PLANNING ANALYSIS

#### Consistency with § 733

733.2 *No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.*

The property is separated from the R-2 district to the west by a public alley.

733.3 *If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, 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.*

Abutting shopping center buildings extend the full width of the lot.

733.4 *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 Residence District.*

Dumpsters for the existing fast food restaurant are lined up along the rear wall of the shopping center with dumpsters serving the other uses in the center. The gate in the fence surrounding the dumpster area faces the residential district across the alley.

733.5 *The use shall not include a drive-through.*

No drive-through is associated with the existing use and none is proposed.

733.6 *There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.*

The only customer entrance is along Georgia Avenue in the C-2-A district.

733.7 *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.*

Establishment commercial activity is limited to the Georgia frontage and C-2-A district. OP noted during a site visit that the building and kitchen interiors were clean and well maintained.

There is also no indication that the current fast food establishment has created any objectionable conditions.

733.8 *The use shall provide sufficient off-street parking, but not less that required by Sec.2101.1 to accommodate the needs of patrons and employees.*

Shopping center parking is provided on-site. Parking for this use is provided onsite per the lease agreement.

733.9 *The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.*

Customers arrive on foot, drive and park in the shopping center parking lot or park in short-term parking spaces along Georgia Avenue. Delivery vehicles park and unload in a loading zone in front of the store. The use therefore does not contribute to any dangerous traffic conditions.

733.10 *There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.*

There is no evidence that vehicles servicing the trash collection in back of the center obstruct any public right-of-way.

733.11 *The Board 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.*

See below.

733.12 *An applicant for special exception under this section may request the Board to modify the conditions enumerated in §§ 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.*

In lieu of the trash enclosure standard set forth in § 733.4, OP recommends accepting the existing fence-in trash area with attachment of the vinyl mesh to the fence and the gated entrance to create an effective visual screen.

Based on this information, this application meets the standards for special exception approval.

## V. COMMUNITY COMMENTS

This application was referred to Advisory Neighborhood Commission (ANC) 4B for review and comment. The applicant was invited to and attended the scheduled meeting on December 7, 2009 to discuss this request. However, the ANC deferred discussion until the next scheduled meeting on January 25, 2010.

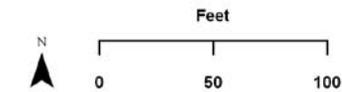
## VI. CONCLUSION AND RECOMMENDATION

OP recommends **approval** of a special exception per § 733 for a fast food restaurant in this lease space, subject to a condition that the vinyl mesh be attached to the surrounding chain link fence to create an effective visual screen.

Figure 1



**BZA Application No. 18010  
 6215 Georgia Ave NW**



\*\*\* Government of the District of Columbia  
 Adrian M. Fenty, Mayor

Office of Planning ~ December 15, 2008

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International

**LEGEND**

- Metro Bus Routes
- Street Centerlines
- Water
- Parks

Arthur Jackson, Case Manager

JS/afj