



## MEMORANDUM

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

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** December 6, 2011

**SUBJECT:** **BZA Case 18286** – Request for Variance Relief to Operate as a Caterer on the Basement Level of the Semi-detached Building at 1204 Ingraham Street NW

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends** that a variance be granted in accordance with § 3103.2 to allow the applicant to operate as a caterer in the basement of the subject building.

### II. AREA AND SITE DESCRIPTION

Address:	1204 Ingraham Street NW
Legal Description:	Square 2930 Lot 0074
Ward:	4C
Lot Characteristics:	A long rectangular lot with an area 2,946 square feet (0.07 acre) and frontages along Ingraham Street and a public alley that is 20-feet wide.
Existing Development:	A semi-detached building with an occupied two-story one-family dwelling on the top two floors and renovated but empty basement. <i>There is no interior connection between the residence upstairs and the basement.</i> One must go outside the building to travel between the basement and the upstairs dwelling. Separate walkways across the front yard connect the residence and the basement to the sidewalk along Ingraham Street. At the south end of the grassy rear yard is an expansive asphalt parking area adjacent to the rear property boundary and public alley beyond (refer to Figure 1).
Zoning:	<i>R-1-B</i> – neither the one-family semi-detached dwelling nor a catering establishment is allowed as a matter of right in this district.
Historic District:	None
Adjacent Properties:	Similar one-family row dwellings to the north and west along both sides of Ingraham Street in the R-1-B district; and automobile sales and service establishments to the east that front Georgia Avenue in the C-2-A district.
Surrounding Neighborhood Character:	Predominantly low density commercial uses to the east and low density residential uses to the north and west.



**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Donna Gedeon, the owner of record
Proposal:	<p>To operate as a caterer in the building basement while maintaining the separate one-family dwelling on the upper floors. Section 199.1 includes the following definition:</p> <p><i>“Caterer, catering establishment - a person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home consumption. The food and beverages are provided for events that are located off the business establishment's premises. Any establishment that receives more than seventy-five percent (75%) of its sales from orders placed less than three (3) hours prior to delivery or pick-up will not be considered a catering establishment.”</i></p> <p>The Certificate of Occupancy (CO) application submitted to the Department of Consumer and Regulatory Affairs (DCRA) to establish this use was denied. In a letter dated August 1, 2011, the Zoning Administrator referred this request to the Board of Zoning Adjustment indicating that variance relief was required in accordance § 3103.2. “Caterer” is not listed as an allowable use in the R-1 district under § 201.1.</p> <p>According to DCRA records CO’s have been issued for non-residential uses that occupied the basement and the entire building on this property since 1959. The last was approved in 2006 for an office use in the basement. Building Permit No. B101221 was issued in 2007 for basement renovation and repairs, and to covert the two upper floors <i>back</i> to a one-family dwelling. However by 2008 the property was apparently vacant and boarded up.</p> <p>The applicant explained that under their proposal:</p> <ul style="list-style-type: none"> <li>• no structural alteration of the basement interior would be required;</li> <li>• no exterior construction inconsistent with residential building character and appearance is anticipated;</li> <li>• the only employee may be one family member who does not reside onsite;</li> <li>• few clients or customers would visit the property since sales and arrangements for services would be made by phone;</li> <li>• catering operations would not extend outside the building;</li> <li>• no more than two vehicles would be utilized and both would park in the existing paved parking area next to the alley;</li> <li>• the applicant would contract with a commercial operator for trash collection at least twice a week; and</li> <li>• any exterior signage would be consistent with the standards for home occupation signs under § 203.5.</li> </ul>
Relief Sought:	§3103.2 – for a use not allowed in this district as a matter-of-right or by special exception.

#### IV. OP ANALYSIS

##### Compliance with § 3103.2

- **Unique conditions or circumstances:** According to the 2007 permit, the subject building was renovated to re-establish a residential use on the upper two floors while retaining the basement for non-residential (office) use. It appears that the intent of not providing interior access to all three floors was to keep maintain separation between the adjacent residential and non-residential uses. The lack of an interior connection between all building floors is a unique condition of this building and property.
- **Exceptional and undue hardship:** The lack of an interior connection creates a significant impediment to utilizing the entire building for any single use. This is particularly true for a one-family residence. According to the application, the utility and structural changes necessary to reconnect all three floors would be very costly. Establishing a separate use on the basement that is allowable in this district presents other challenges. A basement garage is not an option because no curb cut currently exists to allow vehicular access to and from Ingraham Street. Other allowable uses such as a community based residential facility, child development center or church may require more floor area than is available on the basement level and could impact available neighborhood parking resources.
- **Detriment to the Public Good:** In accordance with § 203.9 (a) the selected caterer use is specifically prohibited as a home occupation because it is first allowed in the C-1 district under § 721.2 (f). However, the applicant's description of how this use would operate is generally consistent with the Zoning Regulation standards for a home occupation under §§ 203.4-203.6.<sup>1</sup> Because the proposal is generally consistent with the referenced home occupation standards and adequately addresses use requirements for onsite parking and trash-collection, it does not appear that the caterer use would be detrimental to the public good.
- **Impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map:** Historically this property has included non-residential uses at least since the 1950's. The application established that the unique building configuration creates an undue hardship on the property owner, and it appears the proposed change of use would not be detrimental to the public good. As such, approval of this use variance would not impair the intent, purpose and integrity of the zone plan.

#### V. COMMUNITY COMMENTS

This application was forwarded to Advisory Neighborhood Commission (ANC) 4C for review and comment. To date no final ANC resolution has been added to the case record file.

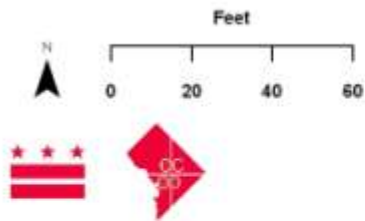
Arthur Jackson, Case Manager  
JS/afj

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<sup>1</sup> DC land records indicate that the basement has an approximate area of 570 square feet which exceeds the maximum 250 square feet allowed for a home occupation under § 203.4 (b)



**BZA Application No. 18286**



Government of the District of Columbia  
Office of Planning ~ November 4, 2011  
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.



View from the Street