



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 724-7098 • anc2e@dc.gov

December 3, 2021

Mr. Frederick Hill
Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001
bzsubmissions@dc.gov

RE: Board of Zoning Adjustment Application for a Special Exception from the Nonconforming Use Provisions and Area Variances from the Corner Store Requirements to Change Existing, Nonconforming Dry Cleaning and Upholstery Uses to a New Nonconforming Corner Store with On-Site Cooking Use in an Existing, Semi-Detached, One-Story Commercial Building at 3343 Prospect Street NW (BZA #20564)

Dear Chairperson Hill,

On November 29, 2021 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (4-2-0) with regard to the above-referenced matter:

Almost 40 years ago, the then owner of 3343 Prospect Street NW (the “Premises”) applied to the Board of Zoning Adjustment (“BZA”) for a special exception to allow the existing nonconforming use of the Premises to change from an upholstery shop to a small (20 seat) tearoom serving a limited menu of croissants, pastries, salads, coffee, tea, and soft drinks (Application No. 14041, the “1983 Application”).

ANC 2E opposed the 1983 Application, arguing that the proposed change in use would give rise to “...more deliveries, more activities, more noise...” and more problematic hours of operation. ANC 2E also noted:

“There are no off-street parking or loading facilities available at all to serve the site. All loading would occur from the public street. Any persons who traveled (sic) by car to the site, employees or customers, would have to park on the street or use other public parking elsewhere in the vicinity. On-street parking is

COMMISSIONERS:

Kishan Putta, District 1 Jenny Mitchell, District 2 Rick Murphy, District 3
Lisa Palmer, District 5 Gwendolyn Lohse, District 6
Elizabeth Miller, District 7

generally in very short supply in the Georgetown area. Additional demands on that parking should be avoided.”

Acting unanimously, the BZA denied the 1983 Application, concluding as follows:

“To grant the application would be a significant intensification over the prior use, substantially increasing the amount of noise, traffic, vibration, congestion of foot traffic, litter, and other deleterious external effects which the proposed nonconforming use can be expected to generate. It would also compound the extreme parking problems suffered by neighborhood residents...the proposed use would adversely affect the neighborhood and would not be in harmony with the general purpose and intent of the Zoning Regulations and maps...”

The nonconforming use proposed by the Applicant in Case No. 20564 is not materially different from what was proposed in 1983 – the Applicant’s tenant would serve a limited menu of prepared foods, including juices, soups, and salads, to its customers – but the impact on the surrounding neighborhood would, if anything, be worse now than it would have been had the 1983 Application been granted. The clientele of the proposed Corner Store would consist of customers who walk or drive to the establishment and third-party delivery services. Walk-in customers, who carry their meals away from the Premises, would undoubtedly be the source of a significant increase in litter and noise along nearby sidewalks. Customers who drive would impact traffic and increase demands on parking, the neighborhood’s scarcest resource. Internet enabled third party delivery services, which did not even exist in 1983, would add to the litter and noise, not to mention the disastrous affect that they would have on traffic and parking. The undeniable fact is that things have not improved since 1983. The intersection of 34th Street and Prospect Street NW is now one of the most congested intersections in ANC 2E, and parking problems in the surrounding area are, if anything, more extreme now than they were forty years ago. One could hardly imagine a worse location in ANC 2E for a corner store selling prepared food than the corner of 34th Street and Prospect Street NW. The proposed use would not be in harmony with the Zoning Regulations and the Zoning Maps and would clearly and indisputably tend to adversely affect the use of neighboring property in the R-20 Zone.

In addition to the fact the Applicant is asking the BZA to reverse its long-established analysis of what nonconforming uses would be appropriate for the Premises, the proposed new use as a Corner Store, which would be less than 250 feet from the property line of a lot in the MU-4 Zone that is occupied by a store with a use similar to that proposed by the Applicant, would undoubtedly have an impact on the principal commercial corridor in Georgetown. The relief that the Applicant requests would violate the intent of the “750 Foot Rule” established by subsection 254.6(g) of subtitle U of the Zoning Code. For that reason alone, the area variance that the Applicant seeks should be denied.

For the reasons set forth above, ANC 2E respectfully recommends that Application No. 20564 be denied.

Commissioner Rick Murphy (2E03@anc.dc.gov) is the Commission's representative in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." The signature is written in a cursive style with a large initial 'R' and a distinct 'Jr.' at the end.

Rick Murphy
Chair, ANC 2E