

Board of Zoning Adjustment, D. C.

PUBLIC HEARING - April 14, 1971

Appeal No. 10727 Henry A. Lange, appellant.

The Zoning Administrator of the District of Columbia, appellee.

Upon motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the Executive Session on April 20, 1971:

ORDERED:

That the appeal for variance from the rear yard requirements of the C-2-A District to permit one-story rear addition to restaurant at 327-29-31 Pennsylvania Avenue, S. E., Lot 803, Square 790, be granted.

EFFECTIVE DATE OF ORDER - May 21, 1971

FINDINGS OF FACT:

1. Applicant requests the variance from the rear yard provisions of the C-2-A District to permit the enclosing of an existing patio at the rear of the subject premises. At the public hearing, applicant withdrew his request for a variance from the open court requirements of the C-2-A District.

2. Lot 803, Square 790 is split zoned C-2-A and R-4. No dimension of depth is given for the C-2-A portion of the property on the zoning maps. Under strict interpretations of the Zoning Regulations, Section 2301.2, the depth of the commercial would be assumed to be 100 feet from Pennsylvania Avenue measured at right angles from the Avenue. However, the Zoning Map contained in the Zoning Regulations indicates that the boundary line between the two zones is located somewhere between the rear of the existing buildings on C Street on Lot 803 and the rear of the existing building on Pennsylvania Avenue on Lot 803.

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3. Under permit and certificate of occupancy from the District of Columbia, since 1968, the patio at the rear of the subject premises has been covered by a canvass and steel awning and has a certificate of occupancy for restaurant use.

4. Due to heavy snow storm in late December of 1970, the canvas and steel awning was severely damaged, and applicant now wishes to enclose the patio to be used for dining room purposes along with the rest of the restaurant.

5. At public hearing, applicant stipulated that the area to be enclosed would not be used for any kitchen facilities and that the kitchen for the existing restaurant would not be enlarged.

6. The building located on Lot 803 were constructed prior to 1900. The building fronting on Pennsylvania Avenue have been used for many years commercially and the three buildings on C Street have been and are being used as row dwellings.

7. The portion of Lot 803 to be enclosed does not extend in a southerly direction farther than the remaining portion of the existing building.

8. The requested variance will result in no increased commercial usage of the property.

9. There are commercial uses existing all along Pennsylvania Avenue in this square. Additionally, Lot 803 is adjacent to commercial zoning on C Street to the east.

10. The Capitol Hill Restoration Society supports this requested variance.

11. Two persons appeared in opposition at public hearing, both of whom have withdrawn their objections.

OPINION:

The Board is of the opinion that applicant has established a hardship by reason of the split zoning of the property, the shallowness of the depth of the C-2-A District and other

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extraordinary and exceptional situations. The Board believes that strict application of the Zoning Regulations would result in an undue hardship upon the owner. Further, the Board finds that the relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Maps.

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

ATTESTED:

BY: _____

PATRICK E. KELLY
Secretary of the Board

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 DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.