

Before the Board of Zoning Adjustment, D. C.

Application No. 11432, of Samuel Daar pursuant to Section 8207.11 of the Zoning Regulations for a variance from on premises parking requirement for a C-M-2 zoning district as provided by Section 7202.1 of the Regulations at the premises located at 101 Eye Street, S.E., (901,903, and 905 New Jersey Avenue, S.E.), Lots 12, 13, 801, 802, 803, and 804, Square 738.

PUBLIC HEARING: August 29, 1973

EXECUTIVE SESSION: September 11, 1973

FINDINGS OF FACT:

1. The building in which the proposed restaurant is to be located occupies the entire lot.
2. The proposed parking to be provided by restaurant facility is to be located on property owned and leased by the applicant from the District of Columbia Government.
3. The proposed accessory parking leased by the applicant from the District of Columbia is able to accommodate 13 parking spaces with dimensions of 9' by 19' each.
4. The property is located in a C-M-2 zoning district which has very little night time activity and is entirely industrial and commercial in nature.
5. The property is abutted by a D. C. Incinerator Sanitary Department area, railroad property, oil repair business, and trash and storage area.
6. The proposed restaurant will be open only in the evenings from 6:00 p.m. until closing time as required by the ABC Board.
7. There is street parking available for 266 automobiles within a two and one-half block radius of the property during day time hours. These street parking spaces will be available at night for the use of restaurant clientele.

8. Thirteen (13) off-street parking spaces are required on the same lot as the proposed reataurant is located.

9. No opposition was registered at the public hearing or in the record.

CONCLUSIONS OF LAW:

Based upon the above findings of fact, the Board is of the opinion that strict application of the Zoning Regulations in the instant case, will result in peculiar and exceptional practical difficulties to the applicant because the condition of the property makes it impossible to provide the required amount of parking spaces upon the lot of the proposed restaurant is to be located.

The Board is of the opinion that this variance can be granted without substantial detriment to the public good and without impairing the intent, purpose, and integrity of the zone plan.

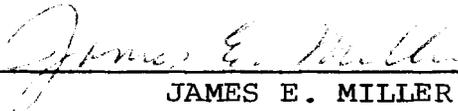
ORDERED:

That the above application, be GRANTED.

VOTE: 3-1-0 (Lilla Burt Cummings, Esq. dissenting, Mr. McIntosh not voting.)

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

ATTESTED BY: _____



JAMES E. MILLER
Assistant Secretary
for the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING ANF/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF THIS ORDER: OCT 17 1973