

Before the Board of Zoning Adjustment, D. C.

Application No. 12007 of Ulysses and Lulu Auger, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions (Section 4101) to permit a restaurant seating 20 persons with storage in the SP District in the basement of the premises at 1245-1247 - 20th Street, N. W. (Square 116, Lots 809 and 844).

HEARING DATE: October 21, 1975

DECISION DATE: February 24, 1976

FINDINGS OF FACT

1. The property at 1245 and 1247 - 20th Street, is located in an SP District.
2. The only access to the basement of those premises is through 1243 - 20th Street, which is zoned C-3-B. There is no basement in the premises 1243 - 20th Street.
3. There is a restaurant in the premises at 1243 - 20th Street. This restaurant desires to expand into the basement of the premises at 1245-47 - 20th Street. The expansion would accomodate 20 persons with some additional storage.
4. All three premises 1243-45-47, are located in one, one-story building.
5. The basement has previously been used as part of a print shop as well as storage for a laundromat. No certificate of occupancy for the basement was issued for those two uses.
6. The entire building has always been used for commercial purposes.
7. There are other commercial uses on adjoining and nearby property, both in the SP and C-3-B Districts.
8. The Municipal Planning Office, by report dated October 16, 1975, recommended approval of the application as having no adverse impact on the area.

9. The Dupont Circle Citizens Association opposed the application because of the possible health and safety hazards.

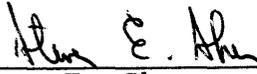
CONCLUSIONS OF LAW AND OPINION

The Board concludes that this is a use variance, which requires the showing of a hardship. The Board concludes that the building has always been used for commercial purposes, and there would be no reasonable non-commercial use which could be made of the basement. In addition, the only access to the basement would be by way of property zoned C-3-B. The Board concludes that there would be no adverse effect on the neighborhood. The Board concludes that a hardship does exist and therefore orders that the application be granted.

VOTE: 3-0 (McIntosh, Harps and Scrivener to grant, Mariani not present not voting, and Cummings not voting not having heard the case)

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

ATTESTED:



Steven E. Sher
Acting Secretary to the Board

FINAL DATE OF ORDER: **MAR 4 1976**

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 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.