

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12501, as amended, of Harry W. Goldberg, Trustee, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a gasoline service station to a restaurant-carryout in the SP District at the premises 400 Massachusetts Avenue, N.W. (Square 517, Lot 870).

HEARING DATE: November 16, 1977

DECISION DATE: November 16, 1977 and February 1, 1978.

FINDINGS OF FACT:

1. The subject property is located on the southwest corner of 4th Street and Massachusetts Avenue, N.W. and is known as 400 Massachusetts Avenue. It is in an SP District.

2. The subject lot is 870 square feet in area and is improved with a building formerly used as a gasoline service station. The station is boarded-up and has been vacant and unused for approximately ten years.

3. To the south of the site on the opposite side of H Street is the General Accounting Office. To the north on the opposite of Massachusetts Avenue is a paved car lot. To the west adjoining the lot are commercial and residential uses. The area is thus primarily commercial in nature.

4. The applicant proposes to convert the existing structure to an indoor-outdoor restaurant and carryout. The facility will seat approximately 127 patrons (seventy-five outdoors, fifty-two indoors). The restaurant will serve American food and be known as Truffles. The hours of operations will range from 7:00 a.m. to 6:00 p.m. Monday through Saturday. Five to eight employees will work at the facility.

5. The exterior farade will be comprised of yellow wood paneling, aluminum siding and glass. Preliminary plans indicate substantial interior and exterior renovations including the installation of aluminum and glass fronts, repaving of the existing lot, installation of brick planter boxes, installation of floor lites, exterior flood lights, etc.

6. The last Certificate of Occupancy issued for the subject site was for a gasoline station, No.B-1900, issued August 3, 1956.

7. A gasoline service station is a use first permitted as a matter-of-right in a C-4 District. A restaurant or carry-out is a use first permitted as a matter-of-right in a C-1 District.

8. There was no opposition to the application.

9. Advisory Neighborhood Commission - 2C filed no report on the application.

10. The Municipal Planning Office, by report dated October 14, 1977, recommended the approval of the application on the grounds that the proposed used represents a substantial improvement over the present deteriorated structure and no adverse impact on the neighborhood is anticipated. The Board so finds.

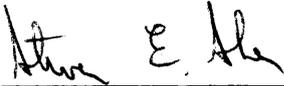
CONCLUSIONS OF LAW AND OPINION:

The present structure on the subject property is boarded-up and deteriorated. The Board concludes that the proposed use will be a substantial improvement to the property and neighborhood. The Board concludes that the location of the proposed structure along a major avenue makes it unlikely that adverse impacts will occur to the surrounding neighborhoods because of noise or traffic. The Board conclude that the restaurant represents a decrease in the intensity of use of the property, and is a move more in conformity with the Zoning Regulations.

For the above reasons the Board concludes that the special exception can be granted since it will be in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the condition that the building design conform to the plans submitted to and approved by the Board, marked as Exhibit #23 in the record.

VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith, Ruby, B. McZier and Leonard L. McCants to grant, William F. McIntosh, not voting, not having heard the case).

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

ATTESTED BY:   
STEVEN. E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 FEB 1978

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.