

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12711, of Robert N. Wolpe, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7105.2 and Section 7109 to extend a non-conforming use to permit a restaurant to be extended to part of the front and side yards (outdoor cafe), in the R-5-B District, at the premises 1701 - 20th Street, N.W., (Square 110, Lot 60).

HEARING DATES: July 26, 1978 & August 23, 1978  
DECISION DATE: September 6, 1978

FINDINGS OF FACT:

1. The subject site is located in the R-5-B District at the intersection of 20th and R Streets, N.W., and is known as 1701 -20th Street, N.W.
2. The applicant proposes to extend a non-conforming use of a restaurant (Certificate of Occupancy No. B-101690, dated March 28, 1977) to the outside of the building for the purpose of establishing an outdoor cafe, in an R-5-B District.
3. Under the Police Regulations of the District of Columbia, a sidewalk cafe is not permitted in a residential district. The proposed cafe must thus be located entirely on private property in order to be approved by the Board.
4. At the July 26, 1978 hearing of the Board, a question was raised as to the location of the proposed outdoor cafe in relation to the lot line of the subject property. The plat marked as exhibit 10 of the record showed the building and all of the steps at the front of the house to be located on private property. A representative of the Dupont Circle Citizens Association stated that the property line was actually at the line of the building and that property in front of the building is in public space. Because on the exact location of lot property line could not be established, the applicant was requested to return at the August 23rd hearing and present evidence as to the location of the property line.

5. At the hearing held on August 23, 1978, the applicant submitted a plat and revised drawings all indicating that the proposed sidewalk cafe would be located within the boundaries of the lot behind the front of the building and not on public space. The plans and plat were reviewed and accepted by the Board.

6. The proposed cafe would seat a maximum of seventy-five persons, and would be located in the side yard to the north of the building.

7. The hours of operation for the cafe would be from eleven in the morning until eleven at night, Sunday through Thursday. On Friday and Saturday the cafe would be open until midnight.

8. There would be no exterior speakers or amplification equipment and no live music or live entertainment on the outside of the building.

9. The cafe would be lighted by existing lighting fixtures attached to the side of the building and by individual candles on the tables.

10. The site is directly across the street from C-3-B zone on two sides, and is immediately adjacent to the Connecticut Avenue commercial corridor.

11. There would be no structural alteration involved to the building itself. There will be no additional structures involved for the cafe.

12. There is substantial evidence in the record that the use will be a neighborhood facility, including a petition in favor signed by many area residents.

13. The building itself is a landmark structure. Approval of this application will help to make retention of the building more economically feasible, which preservation is a public benefit.

14. There is also evidence in the record that portions of the lot had been used for outdoor dining in the past.

15. The Advisory Neighborhood Commission 2B was concerned only with the question as to whether or not the cafe was going to be located on public space. It has been established that the cafe will be located completely behind the lot lines in private space.

16. The Dupont Circle Citizens Association offered no objection to the application, but felt that the cafe should be located in the rear of the building on the parking lot. That issue is not before the Board in this case.

17. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that there will be no structural alterations to the present property and that no other structure is involved. The Board concludes that the special exception requested will be in harmony with the general purpose, and intent of the Zoning Regulations and Maps. The Board further concludes that the granting of this application, if adequate conditions are imposed will not tend to affect adversely the use of the neighboring property and the community. Accordingly, it is Ordered that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for a period of TWO years, which may be renewed by the Board upon filing the proper application.
2. Hours of operation for the outside cafe shall be limited to 11:A.M. to 11:P.M., Monday through Thursday, and 11:A.M. to 12 midnight, Friday and Saturday.
3. There shall be no live entertainment on the outside of the building, nor shall there be any exterior speakers or amplification equipment.
4. Any lighting used to illuminate the outdoor area of the cafe shall be directed at the surface of that area and shall not be directed at surrounding properties. All such lighting shall be extinguished by 12 midnight.
5. The applicant shall be responsible for seeing that noise emanating from the cafe does not interfere with reasonable use of the surrounding properties.
6. The Board reserves the right to direct revocation of the certificate of occupancy upon proper showing of violation of the above conditions.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Chloethiel Woodard Smith to GRANT, Leonard L. McCants not voting, not having heard the case).

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

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

FINAL DATE OF ORDER: 20 SEP 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.