

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12799, of Earline Sampson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 5101) to use part of the first floor of the subject property premises as a public hall, seating 150 persons in a C-1 District at the premises 6201 3rd Street, N.W., (Square 3342, Lots 805, 809, and 812).

HEARING DATE: November 15, 1978

DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of 3rd and Rittenhouse Streets in the C-1 District and is known as 6201 - 3rd Street, N.W.

2. The C-1 District at this location consists of a one block strip surrounded on the north, east, south and west by R-1-B Districts.

3. The applicant proposes to establish a public hall, for the use of kiddie parties, wedding receptions and other such activities. A public hall is a use first permitted as a matter-of-right in a C-2 District.

4. The hall has a seating capacity of 150 persons.

5. The applicant owns the entire building. On the adjoining side of the building, the applicant has a drapery cleaning, carpet sales, and vacuum cleaner repair and sales business.

6. The applicant has been operating the hall for over a year. The certificate of occupancy he received from the Zoning Administrator No. B102513, dated December 22, 1977 only governed the vacuum cleaner and carpet business. However, the application for the certificate of occupancy, dated May 31, 1977, clearly states the applicant's intention to have "40 X 40 room for rent (weddings, kiddie parties, private affairs)."

7. The applicant has nineteen parking spaces to the rear of his building. By law he is only required to provide fifteen.

8. There are no set hours of operation, however, the majority of the activities will be held on the weekend.

9. The applicant does not intend to seek a license to sell alcoholic beverages. Any such beverages served on the premises would be supplied only by the person renting the premises at that time.

10. As a matter of right in a C-1 District, the applicant could operate a bar or cocktail lounge on this site with the approval of the Alcoholic Beverages Control Board, or a restaurant which would represent a more intensive use of the premises.

11. There were many letters of opposition received into the record. The basis of the opposition was the increased vehicular traffic and the parking problems that were generated from the proposed use.

12. Many property owners within 200 feet of the subject site and throughout the neighborhood testified in opposition to the application on the grounds that (1) There would be an increase in the flow of traffic (2) Parking problems for the residents would result and (3) an increase in the noise, trash and litter in the neighborhood.

13. The South Manor Neighborhood Association was in opposition to the application because of increased noise and traffic.

14. Advisory Commission 4B was notified as to the application, but no recommendation was received.

15. As to the concerns of the persons in opposition, the Board finds that the proposed use represents a less intense use than that of a restaurant, bar or a cocktail lounge which the applicant could operate as a matter of right. In addition, the nineteen parking spaces which are provided by the applicant exceed the number required by law. The Board further finds that the proposed use, by operation of conditions which the Board can and will impose on the granting of the application, will generate minimal noise and will not adversely impact upon surrounding properties.

16. The applicant testified at the hearing and submitted a statement for the record thereafter as to the manner in which the ~~business is run~~. The Board finds that the applicant has made and will continue to make a diligent effort to minimize all adverse effects which reasonably might occur from his operation of the premises, and that the applicant will operate the premises in a manner as to eliminate any negative impacts on nearby properties.

CONCLUSIONS OF THE LAW:

The requested variance is a use variance, the granting of which normally requires the showing of an undue hardship related to the property. The Board is of the opinion that the use of the property as proposed basically constitutes a neighborhood oriented establishment which has had and will have a minimal impact on the area. The Board notes that the applicant could operate a restaurant, bar or cocktail lounge as a matter-of-right, all of which could create great adverse impacts upon the community and represent a more intense use of the property than the proposed use. The Board concludes that the low level of use of the premises combined with the nineteen parking spaces provided by the applicant will reduce the impact upon residential parking and vehicular traffic. The Board further concludes that the application can be granted without adverse impact upon the neighboring properties and the surrounding community.

Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. There shall be no alcoholic beverages sold on the premises.
2. There shall be no operation of the premises after 2:00 A.M.
3. The GRANT is LIMITED to this particular applicant and operator and is NOT TRANSFERRABLE.
4. The applicant and operator shall be responsible for seeing that noise emanating from the establishment does not interfere with reasonable use of surrounding properties.

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VOTE: 5-0 (Walter B. Lewis, Chloethiel Woodard Smith,
Charles R. Norris, William F. McIntosh and
Leonard L. McCants to GRANT).

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

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

FINAL DATE OF ORDER: 29 JAN 1979

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.