

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12932 of L.E. and P.L. Waldorf, 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 restaurant seating seventy-five persons (basement) to a book-keeping office (basement) in an R-4 District at the premises 500 8th Street, N.E., (Square 892, Lot 60).

HEARING DATE: June 20, 1979

DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject site is located on the north west corner of the intersection of 8th and E Streets. It is known as 500 8th Street, N.E. and is in an R-4 District.

2. The subject site is 963.5 square feet in area and is developed with a brick semi-detached dwelling of two stories and a basement. It is in a state of disrepair. There are two entrances which face 8th Street at the basement level and an entrance on the first floor on the E Street side. Row dwellings surround the subject site.

3. A Certificate of Occupancy No. B-76962 issued April 15, 1971 authorized the use of the basement of the subject premises as a restaurant seating seventy-five persons.

4. The property was also used as a paper depot by the Washington Post without a proper Certificate of Occupancy.

5. The applicant proposes to change a non-conforming use from a restaurant to a bookkeeping office. The property is presently being remodelled.

6. The work area for the bookkeepers will be in the basement. The third floor will be used as a residence for the applicant's relative. The second floor is being remodelled but is not a part of this application.

7. The proposed office will employ five persons and operate between the hours of 10:00 a.m. and 6:00p.m. There will be no client traffic to the business.

8. The Board of Zoning Adjustment can authorize the change of a non-conforming use to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted.

9. A restaurant is first permitted in a C-1 District. A bookkeeping office is permitted as a matter of right in the C-1 District.

10. The Office of Planning and Development by report dated May 10, 1979 recommended that the application be denied on the grounds that the subject premises can be developed in accordance with the uses permitted in the R-4 District, and that the proposed non-conforming office use will generate commercial activities which would be incompatible with surrounding residentially developed properties. The Board does not concur. The owner of the property has the right to continue the previous commercial restaurant use. The proposed change of use represents a clear reduction in commercial intensity, will decrease the external effects evident from the use and is a change in the direction of conformity with the Regulations.

11. The Stanton Park Neighborhood Association and the Capitol Hill Restoration Society Inc., by separate letters dated May 16, 1979 stated that, by unanimous votes, each organization supported the application on the grounds that there be no extension of office use, or any other non-conforming use, to any floor above the lowest floor, and that the remainder of the building be used only as one dwelling unit.

The Capitol Hill Restoration Society Inc., also noted that although the proposed use would not be a neighborhood facility it was not expected to be objectionable.

12. Advisory Neighborhood Commission 6A made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed change of non-conforming use can be granted, because the proposed use is permitted in the not restrictive district in which the existing use is permitted.

Based on the record, the Board concludes that the applicant has substantially complied with the requirements for a special exception pursuant to sub-section 8207.2 and 7104.2 of the Zoning Regulations in that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations. The Board also concludes that while the proposed office is not a neighborhood facility it will not tend to affect adversely the use of neighboring property and will not be objectionable.

The Board notes the recommendation of the two citizen's associations responding to the application and concludes that the special exception can be granted.

Accordingly, it is ORDERED that the application be GRANTED.

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

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

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

FINAL DATE OF ORDER: 5 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.