

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13153, of Raymar Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Section 5101) and the parking requirements (Sub-section 7202.1) to use the second floor of the subject premises as a public hall, in addition to a community center and restaurant seating 199 persons permitted as a matter of right, in a C-1 District at the premises 4618 - 14th Street, N.W. (Square 2704, Lot 64).

HEARING DATE: January 23, 1980
DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. At the public hearing, the Board for good cause shown, waived the requirements of Section 3.33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment which requires that the property be posted at least ten days prior to the public hearing. The subject property was, in fact, posted for ten days. The affidavit of posting had inadvertently stated the improper date of posting.
2. The subject property is located on the west side of 14th Street, N.W. between Crittenden and Buchanan Streets and is known as 4618 - 14th Street, N.W. It is in a C-1 District.
3. The subject site is rectangular in shape and improved with a two story structure of masonry construction and a spanish type red tile roof. The structure occupies almost the entire lot.
4. The first floor of the subject premises is occupied by a retail sales store known as The Value Village. The second floor is occupied as a community center and restaurant. A certificate of occupancy, dated December 15, 1978, No. B109801, was issued for the use of the second floor as a community center, no public hall, and restaurant seating 199 persons.
5. The applicant proposes to continue the use of the second floor as a community center and restaurant in addition to a public hall. The applicant rents the facility for use by private individuals or organizations for meetings, cabarets, discos, parties and other events.
6. Abutting the site to the north, there is a variety store, an upholstery shop and other retail uses in the C-1 District to Crittenden Street.

To the east there is 14th Street followed by a Metro bus garage. To the south is the Mt. Holy Baptist Church (store front), the Right Way Baptist Church (store front), a beauty salon, a barber shop, a shoe repair shop, a semi-detached dwelling, a cleaners and a mom and pop grocery store on the corner of 14th and Buchanan Streets all in the C-1 District. To the west are row dwellings in the R-4 District. The site abuts a ten foot wide public alley on its south side, and a fifteen foot wide alley on its west and north sides.

7. The facility is and would continue to be used primarily on Friday, Saturday, and Sunday. Events end as late as 3:00 A.M.

8. The facility has a license to sell alcoholic beverages and is open to the community for meetings and other functions with a donation.

9. The Zoning Regulations require that off-street parking facilities be provided for a public hall at the rate of one space for each seventy square feet of gross floor area useable for seating. The subject site has no on-site parking facilities. The applicant seeks a variance from the parking requirements.

10. A public hall is first permitted under the Zoning Regulations as a matter of right in a C-2 District. The subject premises are located in a C-1 District. The applicant seeks a variance from the use provisions.

11. The public hall has been operating without a certificate of occupancy since February 1978.

12. The Office of Planning and Development, by report dated January 16, 1980, recommended that the application be denied on the grounds that the Office of Planning and Development was not able to ascertain any physical characteristics or extraordinary circumstances of the site to suggest an undue hardship upon the owner in using the site in accordance with the intent and purpose of the Zoning Regulations and Map. In view of this finding, the OPD recommended that this requested use variance be denied. The Board agrees.

13. There was opposition to the application by a group known as Concerned Citizens for Neighborhood Improvement and the "1400 Block of Buchanan Street, N.W." The grounds of the opposition were that in the immediate area of the subject premises were three facilities that provided no parking amenities, the Metro Northern Garage which house over 300 buses, open seven days a week, night and day, providing no parking for its employees, the subject community center and restaurant, and the Value Village which operates the first floor of the subject premises six days a week from 9:00 a.m. to 9:00 p.m. with hundreds of customers weekly. There were also a lounge, a liquor store and many small stores and shops in the immediate

neighborhood, none of which provided parking for their customers. As a result of this lack of parking facilities, the immediate neighborhood is inundated with cars that deprive the residents of parking spaces on the streets. The opposition also opposed the application on the grounds of noise and litter. The music does not cease at 3:00 a.m. nor does other noises. They are carried out into the streets of the neighborhood until 4:00 a.m. and 5:00 a.m. The patrons of the subject premises gather in the streets after the public hall is closed. There is the slamming of car doors, the heavy traffic of departees and the smoking of marijuana. The application was further opposed on the grounds that except for the small businesses open primarily during the day the neighborhood is residential and quiet. There are many senior citizens. The public hall is at odds with the present character of the community. It was further suggested that if the opposition had known that the public hall was illegally operated the citizens would have reacted much more quickly. The Board finds that the views expressed by the opposition are well founded, and that such problems should be minimized in this neighborhood.

14. There were also letters on file in opposition to the application on the same grounds as stated above. There were no letters from the community in favor of the application.

15. Advisory Neighborhood Commission - 4D made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a variance from the use provisions and incidental to that use a variance from the parking requirements of the Zoning Regulations. A grant of a variance from the use provisions must be supported by evidence of an undue hardship inherent in the property upon the owner so that the property cannot be used for the purposes for which it is zoned. The Board concludes that in this case, there is no such hardship. The property can still function as a community center and restaurant for which it is zoned, and for which it has a valid certificate of occupancy. The Board further finds that there is no evidence present that the property cannot be used for other purposes permitted in the C-1 District.

The Board further concludes that the relief for the use as a public hall cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan. Accordingly, this application is DENIED.

VOTE: 3-0 (William F. McIntosh, Connie Fortune and Leonard L. McCants to DENY; Charles R. Norris not present, not voting).

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

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

FINAL DATE OF ORDER: 14 APR 1980

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."