

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13342 of Ruby Restaurant, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot and for a variance from Sub-paragraph 4101.413 to permit all day commuter parking in an SP-2 District at the premises 518 H Street, N.W., (Square 486, Lot 36).

HEARING DATE: September 24, 1980

DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of 6th and H Streets and is known as 518 H Street, N.W. It is in an SP-2 District.
2. The subject parking lot was first approved by the BZA in Order No. 12321, dated April 22, 1977. BZA Order No. 12669, dated July 21, 1978, granted a further conditional continuance of the lot for a period of two years.
3. The subject property is approximately 4,250 square feet in area. It has facilities for twenty-two cars. The hours of operation are from 7:30 a.m. to 6:00 p.m. Six of the spaces, as per Board's Order, are reserved exclusively for the customers of Ruby's Restaurant which is diagonally across the street from the subject parking lot.
4. The subject lot is operated by Parking Management, Inc. in conjunction with three other adjacent parking lots. There is an attendant.
5. The applicant has conformed with the conditions of the prior Orders of the BZA.
6. The applicant leases the property on which the Ruby Restaurant is located. The lease will expire in about five years. The applicant hopes to locate the restaurant on the subject parking lot which the applicant owns. There are no immediate plans for the relocation of the restaurant.

7. Approximately one-third of the parking places are committed to all day commuter parking. The applicant testified that there are many short term parkers but still not enough to make the operation financially successful. The applicant further testified that if the Board were not to grant the requested variance from the all day commuter parking that it would do what it had previously done in the aforementioned three other parking lots surrounding the subject one. Since all the parking lots are under one management the operator can manipulate the cars by parking the commuter parkers in those parking lots where the Board approved all day parking and then place all the short term parkers together.

8. The applicant has received no complaints as to the maintenance and operation of the parking lot.

9. There was no opposition to the application at the public hearing or of record.

10. Advisory Neighborhood Commission 2C made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant has complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the requested special exception can be granted as conditional hereinafter. The Board concludes that this parking lot is so located and designed that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions. The lot is situated at the intersection of 6th and H Streets, N.W. and is adjacent to a public alley which provides access to the lot. Thus, there will be no requirements for curb cuts on either 6th Street or H Street. The Board further concludes that the present character and future development of the neighborhood will not be adversely affected by the establishment of this parking. The Board further concludes based on Finding No. 7 that there is no need for the requested variance to permit all day commuter parking and it is accordingly DENIED. As to the special exception it is GRANTED SUBJECT to the following CONDITIONS:

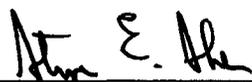
- (a) Approval shall be for a period of TWO YEARS from the date of the expiration of the previous Certificate of Occupancy, namely July 21, 1980.
- (b) There shall be no all day commuter parking.

- (c) This lot will operate as a commercial facility from 7:30 a.m. to 6:00 p.m. with the exception of six spaces to be reserved for customers of Ruby's Restaurant, Inc.
- (d) Between the hours of 6:00 p.m. to 4:00 a.m., this lot is exclusively for use by customers of Ruby's Restaurant, Inc.
- (e) All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- (f) No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- (g) Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- (h) All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- (i) No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- (j) Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Connie Fortune, William F. McIntosh, Theodore F. Mariani and Leonard L. McCants to grant the exception and deny the variance, Charles R. Norris not voting, not having heard the case.

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 11 DEC 1980

BZA APPLICATION NO. 13342  
PAGE 4

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.