

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13677, of Kenneth A. McDonald, 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 general offices, first and second floors, to a restaurant, first and second floors, in an SP-2 District at the premises 1335 Green Court, N.W., (Square 247, Lot 831).

HEARING DATE: February 17, 1982
DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject property is located in the center of the square bounded by Massachusetts Avenue and 13th, 14th and L Streets, N.W. The property as an alley lot has no street frontage. It is in an SP-2 District.
2. The site is situated on the northeast corner of the intersection of two alleys. The east-west alley, known as Green Court, is thirty feet wide and extends easterly from 14th Street to the rear of properties which front on 13th Street. The north-south alley is fifteen feet wide and extends through the square from L Street to Massachusetts Avenue.
3. The subject lot consists of approximately 2,000 square feet of land area improved by a two-story structure which occupies the total area of the lot.
4. The subject property is surrounded by office buildings, apartment houses and parking lots. To the north of the site across a fifteen foot dead-end alley, is an apartment house. East of that is an office building for the U.S. Catholic Conference. Immediately east of the subject site is a warehouse building used for book storage by the Catholic Conference. There is a large new office building at the corner of 14th and L Streets. South of the site are parking lots which front on L Street.
5. The subject building is presently in use as a uniform supply company. No Certificate of Occupancy was ever issued for that use. The last recorded lawful use of the premises was as an office as evidenced by Certificate of Occupancy No. B121103, dated July 3, 1980.

6. The proposed use for the subject property is a sit-down restaurant with 125 to 130 seats with food prepared and served on the premises. The hours of operation of the restaurant are proposed from 10:00 A.M. to 10:00 P.M. Initially, the restaurant will be open for lunch only.

7. The exterior design of the facade will not be altered. The interior of the proposed restaurant will be constructed of wood and brick.

8. The applicant intends to erect a sign meeting all requirements of all zoning and sign regulations.

9. The previous lawful non-conforming office use is first permitted in a C-1 District. The proposed restaurant is permitted in a C-1 District.

10. The proposed restaurant will be a neighborhood facility which will serve a local clientele, with substantially all of its business coming from walk-in patrons who reside or work in the surrounding area.

11. The surrounding vicinity is presently undergoing major development. Two office buildings are being constructed within 500 feet of the subject site and there are large amounts of vacant land that may soon be improved.

12. There is no requirement for off-street parking since the subject building was constructed prior to 1958 and has a parking credit from the previous non-conforming use.

13. The applicant's traffic expert estimated that only two percent of the restaurant's patrons will arrive by automobile. There is an abundant amount of commercial parking available to the site to meet this demand. The Board so finds.

14. The applicant's traffic expert testified that the use will generate only a minimum amount of automobile traffic that can easily be accommodated by the surrounding street system. The Board so finds.

15. The alleys surrounding the subject site have historically been used for its loading facilities. Currently, trucks deliver goods daily to the site and the United States Catholic Conference warehouse next door. Loading will be located off the dead-end alley to the north of the subject property and will be limited solely to this area.

16. The deliveries to the restaurant would consist of one produce truck and one dairy truck on a daily basis between 6:30 and 8:00 A.M., one beer truck and one meat truck weekly before 11:00 A.M. or between 3:00 and 5:00 P.M.

and four to five liquor trucks on a monthly schedule before 11:00 A.M. or between 3:00 and 5:00 P.M.

17. All trash receptacles will be located within the exterior walls of the building. There will be no fumes or smoke or noxious odors emitted from the proposed restaurant.

18. Since the proposed use does not involve use outside the existing building, there will be no need for special screening or protective measures to be imposed by the Board.

19. The Office of Planning and Development, by memorandum dated February 19, 1982, recommended that the application be denied. The OPD based its recommendation on problems resulting from use of the alley for loading and for trash containers and pick-up.

20. The applicant's expert traffic witness discussed in detail the applicant's loading requirements. Loading will be located off the dead-end alley to the north of the subject property, and will not interfere with circulation in the square. As set forth in Finding No. 17, the trash receptacles will be located within the exterior walls of the subject structure. The Board is satisfied that the applicant has resolved the concerns of the Office of Planning and Development.

21. There was no report received in the record from Advisory Neighborhood Commission 2C.

22. There was no opposition to the application at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such relief, the applicant must demonstrate that he has complied with the requirements of Sub-section 7104.2, Section 7109 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed use is first permitted in the most restrictive district in which the existing use is first permitted, which satisfies the requirement of 7104.2. The proposed use will be a neighborhood facility that will be generally compatible with the existing and potential development in the area. The proposed use will not create objectionable or dangerous traffic conditions.

The Board concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of the neighboring property. The applicant is in

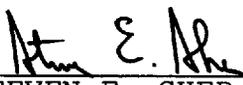
compliance with Sub-section 8207.2 of the Zoning Regulations. It is therefore hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be limited to a period of three years, from the date of this Order.
2. Loading and unloading activities shall occur only in the alley adjacent to the north side of the building.
3. Trash containers are to be kept inside the building.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT; Douglas J. Patton, not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 24 1982

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.