

proposes to continue the non-conforming restaurant carry-out use on the ground floor of the subject structure. The restaurant seats thirty-two people.

7. The restaurant will serve primarily breakfast and lunch and will be open between 7:00 A.M. and 4:00 P.M., five days per week.

8. Persons operating the restaurant will include the owner and two employees.

9. No off-street parking is provided. Ample on-street metered parking exists on E Street and other nearby streets.

10. Deliveries will continue to be made through the adjoining alley. Trash collection will occur two times per week.

11. No complaints of litter or debris have been received concerning the restaurant operation.

12. A sign on the exterior of the structure is non-illuminated with black letters on a white back ground.

13. There has been a general increase in employees in the surrounding area. The continued operation of the restaurant will provide a convenient facility to surrounding employees as well as tourists in the area.

14. No one appeared in opposition at the hearing or of record in this case.

15. Advisory Neighborhood Commission 2C filed an untimely report. It is not part of the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirements of Sub-section 7104.2 of the Zoning Regulations, that the proposed use can be permitted without an adverse impact on the use of neighboring property, and that the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Map.

The Board concludes that the applicant has met the requirements of Sub-section 71004.2. The restaurant operation is a neighborhood facility and will serve employees of surrounding businesses as well as tourists. The present character or future development of the neighborhood has not been and will not be adversely effected by the continuation

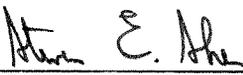
of the restaurant use. The area is in a period of transition toward redevelopment of surrounding properties. The general character of uses and structures existing within not less than 300 feet in all directions are predominantly commercial and institutional in structures of varying types. The subject structure of four stories is typical of the type of structures within the square. The exterior sign of the restaurant is non-illuminating and will not create an adverse condition. The restaurant will not create any deleterious external effects regarding noise, traffic or vibration. While off-street parking is not provided, ample on-street parking exists. The restaurant is not expected to generate a high parking demand or traffic since its patrons will mostly be walk-in trade. Loading will be accomplished through the adjoining public alley and will not create any adverse conditions.

The Board further concludes that the relief requested can be granted as in harmony with the purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED subject to the CONDITION that approval is limited to a period of FIVE YEARS from the date of expiration of the previous Order, namely from August 22, 1982.

VOTE: 3-0 (Douglas J. Patton, William F. McIntosh, and Charles R. Norris to GRANT; Connie Fortune and Maybelle Taylor Bennett not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

APR -4 1983

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.