

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14462 of Columbus Facchina, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to use the subject premises as a studio theater seating 199 persons in a C-M-1 District at premises 3225 - 8th Street, N.E., (Square 3832, Lot 803).

HEARING DATE: July 16, 1986

DECISION DATE: September 3, 1986

FINDINGS OF FACT:

1. The site, known as premises 3225 8th Street N.E., is located on the east side of 8th Street. Across from its intersection with Kearing Street. The site is located in a C-M-1 District.
2. The site is a trapezium in shape with a frontage of 62.23 feet and a rear lot line width of 46.97 feet. There is an average depth of 123.94 feet. The rear of the site borders on a railroad easement followed by the metro subway lines. The site is improved with a two story brick structure.
3. The C-M-1 District extends to the north and south of the site. An R-4 District is located to the west of the site across 8th street.
4. The structure had previously been used for garage and auto repair purposes. The structure is now being used as a studio for modern dance music and related art forms. This use is permitted as a matter-of-right in the C-M-1 District.
5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the parking requirements (Sub-section 7202.1) to use the subject premises as a studio theater seating 199 persons.
6. A theater is permitted as a matter-of-right use in the C-M-1 District. Sub-section 7202.1 requires that one parking space be provided for each ten seats of occupancy capacity for the first 10,000 seats of a dance performance theater. The regulations require the applicant to provide 19 off-street parking spaces.

7. The structure will be utilized by the Dance Place Inc. The Dance Place is a part of D.C. Wheel Productions Inc., which is currently leasing the premises with an option to buy from the owner, Columbus Facchina.

8. The site has four parking spaces available in front of the building. The remainder of the space in front of the building is public space and provides space for six vehicles. As these spaces are in public space they cannot be used to satisfy the parking requirement. The building occupies most of the lot so that additional parking cannot be provided on site. Also, the vacant space in the rear is not accessible because of the angle at which the extension of Kearny Street intersection with 8th street.

9. Approximately 20 off-street parking spaces for the studio theatre will be provided on the lot adjacent to the site's southern boarder.

10. Additional parking to accommodate people attending performances will be available at 3305 8th Street, the lot adjacent to the north of the subject site.

11. The Dance Place intends to use 8th Street, N.E. to accommodate overflow parking for the theatre. Eighth street is over 100 feet wide. Very little traffic is produced by the current uses along 8th street which include a garage, a storage facility, several empty lots on the east and residential buildings on the west.

12. Rehabilitation of the structure will include upgrading the plumbing, HVAC and electrical system and building a new mezzanine - balcony which will contain additional theatre seating. Total theatre capacity will be 199 seats. The existing studio is converted into a theatre for each performance.

13. The Dance Place will host three performances per week, Friday and Saturday evenings from 8:30 to 10:00 and a matinee on Sundays.

14. The Dance Place directs persons visiting their site to park on the east side of 8th street in order not to occupy the spaces in front of the residences on the west side.

15. The site is located two blocks away from the Brooklyn Metrorail station. It is anticipated that 65 percent of the theatre's patrons will utilize the metro.

16. By letter dated June 26, 1986 Advisory Neighborhood Commission (ANC) 5C reported that it supports the application. No grounds for the support were given

other than those residents at the ANC meeting indicated general support for the proposal.

17. The Director of the Executive Office of the Mayor, the Deputy Administrator for Youth Services Administration of the D.C. Department of Human Services and William R. Spaulding, Councilmember for Ward 5, all submitted letters to the record in support of the application based on the cultural goals of the organization and the contributions it would make to the residents of D.C.

18. The Edgewood Civic Association and the D.C. Special Olympics submitted letters to the record in support of the application based on the above reasons.

19. Several neighbors of the site testified or submitted letters to the record expressing their concerns that parking will not be available conveniently close to their residences if the theatre is permitted to operate. They also expressed concern that the residential parking permit program administered by DPW will be revoked. The Board finds that as conditioned below the Dance Place will take measures to ensure that adequate parking for theatre patrons will be provided so as not to negatively impact the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The Board concludes that the applicant has met the burden of proof. Sub-section 7202.1 of the Zoning Regulations requires that one parking space be provided for each ten seats of occupancy capacity for the first 10,000 seats of a dance performance theatre. Although a theatre is permitted as a matter-of-right use in the C-M-1 District, the applicant cannot provide the required parking. The building occupies most of the lot and the vacant portion to the rear is not accessible for vehicles to park. The Board further concludes that the Dance Place will provide off-site parking on adjacent lots and direct their patrons to park on the east side of 8th street, thus minimizing the effect of theatre parking on the neighborhood.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS from the date of this order.
2. The applicant shall provide appropriate signage - indicating the proper parking spaces to be used by the clientele of The Dance Place, Inc. and prohibiting parking on the west side of 8th Street.
3. The applicant shall provide six parking spaces in front of the subject premises and twenty parking spaces in the adjacent parking area located on 8th Street, N.E., lot 800, Sq. 3832.
4. The hours of operation shall not exceed from 10:00 A.M. to 10:00 P.M. There shall be no more than one performance per day.

VOTE: 5-0 (Maybelle T. Bennett, Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

SEP 23 1986

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 CONSUMER AND REGULATORY AFFAIRS.

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