

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14898, of D.C. Wheel Productions, Inc., pursuant to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Sub-section 2101.1) to allow a dance studio and theater seating 199 in a C-M-1 District at premises 3225 8th Street, N.E., (Square 3832, Lot 803).

HEARING DATE: September 21, 1988
DECISION DATE: September 21, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ("ANC") 5C, and to owners of property within 200 feet of the site.

The site of the application is located in ANC 5C and in proximity to ANC 5A. ANC 5C, which is automatically a party to the application, filed no statement regarding the application. ANC 5A did not submit a written statement of issues and concerns, or request to be treated as an affected ANC.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2101.1. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. 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.

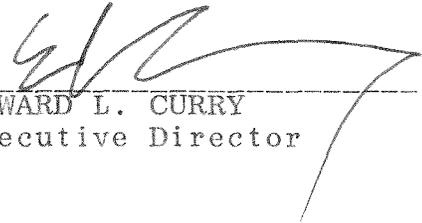
2. The applicant shall provide six parking spaces in front of the subject premises and twenty parking spaces in the adjacent parking area located on 8th Street, N.E., Lot 800, Square 3832.
3. The hours of operation shall not exceed from 10:00 A.M. to 10:00 P.M. There shall be no more than one performance per day.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Paula L. Jewell, John G. Parsons, William F. McIntosh, Charles R. Norris, and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 18 1999

UNDER 11 DCMR 3103.1, "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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