

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 179

CASE NO. 77-3

SEPTEMBER 8, 1977

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on July 11, 1977, to consider an amendment to the text of the D.C. Zoning Regulations. This Amendment would authorize the Board of Zoning Adjustment to approve the establishment of outdoor cafes in public space, in districts zoned Residential and Special Purpose.

The Commission finds that since the majority of the existing restaurants in Residential and Special Purpose districts are non-conforming uses, the addition of a sidewalk cafe would be an expansion of a non-conforming use. Various parts of Article 71 of the D.C. Zoning Regulations prohibit expansion of non-conforming uses beyond certain limits, prohibit the construction of new structures to house non-conforming uses, and limit repair or alterations of structures. The whole thrust of these regulations is to limit non-conforming uses, to eventually effect their elimination and to facilitate the use of all property in conformance with the existing Zoning Regulations. The proposed text amendment is thus contrary to the intent and purposes of the present Zoning Regulations.

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Therefore, the Commission hereby determines that the proposed amendment (1) will not benefit the communities involved or the city as a whole, and (2) would be contrary to the thrust of current regulations applicable to non-conforming uses . The Commission hereby DENIES this application to amend the text of the D.C. Zoning Regulations,
Vote of the Commission taken at the public meeting hebd on August II, 1977: 4-O (Walter B. Lewis, Ruby B. McZier, George M. White, and John G. Parsons, to Deny, Theodore F. Mariani , present , not voting) .



THEODORE F. MARIANI
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on September 8, 1977 by a Vote of 4-O (Walter B. Lewis, Ruby B. McZier, Theodore F. Mariani and John G. Parsons to Adopt, George M. White, not present, not voting) .

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In accordance with Section 3.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this action is effective on SEP 12 1977.