

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- February 14, 1968

Appeal No. 9497 Lawrence J. Mills, Jr., et al, appellents.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on February 29, 1968.

EFFECTIVE DATE OF ORDER - April 19, 1968

ORDERED:

That the appeal for permission to provide accessory parking on lots 884 and 885, square 140, at 1111 - 19th Street, NW., to serve restaurant located at rear of 1144 - 18th St., NW., be conditionally granted.

FINDINGS OF FACT:

[1] The property which is the subject of this appeal is located in a C-3-B District.

[2] The premises to be served by the accessory parking is the rear of 1144 - 18th Street, NW. That site is now improved with a two story building which was a warehouse, now vacant.

[3] It is now proposed that the property be used as a restaurant-discotheque on the first floor and accessory uses on the second floor.

[4] The proposed restaurant will occupy 6,250 square feet of gross floor area.

[5] Section 7202.1 of the Zoning Regulations provides, in part, that retail and service establishments in the C-3-B District shall provide one space for each 750 square feet of floor space exceeding 2,000 square feet of floor area.

[6] The site of the restaurant is surrounded by public alleys. There are several commercial parking lots in the vicinity of the restaurant.

[7] Appellant proposes to provide the necessary off-street parking spaces to serve the restaurant use at a parking lot operated by the Parking Management, Inc. That lot is located across the public alley from the proposed restaurant, the alley being 30 feet wide.

[8] By letter (BZA Exhibit No. 3) Parking Management, Inc. verifies that an agreement has been entered into between the restaurant corporation and PMI to provide the use of a minimum of 25 parking spaces, on a reserved-space basis, for patrons of the restaurant.

[9] By letter dated February 23, 1968 (BZA Exhibit No. 14) appellant stated that it might prove difficult to obtain 25 spaces at some future date and therefore the Board was requested to modify its action of February 14, 1968 (granting the accessory parking with a covenant for 25 off-street spaces) to require only the six (6) parking spaces required by the Zoning Regulations.

[10] At its meeting on February 29, 1968 (BZA Exhibit No. 15) the Board modified its conditions of approval.

[11] No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

It is the opinion of the Board that the required accessory off-street parking spaces cannot be located on the restaurant site as that property is now improved with a building occupying all of the lot and the adjoining property is not available to the appellant.

The proposed accessory parking spaces are so located as they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. The proposed parking will be in harmony with the general purpose and intent of the zoning regulations and map and will not tend to affect adversely the use of neighboring property. In addition, the lot for parking is within reasonable proximity to the location of the premises which the accessory parking will serve.

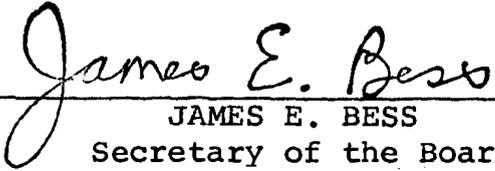
The Order shall be subject to the following conditions:

- (a) Appellant shall provide a copy of the recorded lease agreement between the restaurant and Parking Management, Inc. and such parking shall run for the term of the restaurant lease.
- (b) If at some future date the parking becomes unavailable for appellant's use, the Board will give no consideration to the expenditure of monies for equipment and other items for the restaurant, when considering the requirement for parking. However, appellants will be given an opportunity to provide other appropriate off-street parking spaces to the satisfaction of this Board.
- (c) A copy of the proposed lease which is acceptable to the Board is in the file of this case and is incorporated and made a part of this Order (BZA Exhibit No. 16a).

Certificate of Occupancy shall not issue until application has complied with the terms of this Order. Further, the Board reserves the right to direct revocation of the Occupancy Permit upon a proper showing that any terms or conditions of this Order have been violated.

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

ATTESTED:

By: 

JAMES E. BESS
Secretary of the Board