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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16796

1350 Okie Street, N.E.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

November 6, 2001

I. Site location and description

A. Location

1. North side of Okie Street between Kendall and Fenwick Streets, N.E.

2. Project site consists of Parcel 142/103 in Square 4038

3. Site located one block south of New York Avenue

B. Size

1. Total site area is 12,330 square feet

2. Frontage of ninety feet on Okie Street, depth of 137 feet

3. Also fronts on a sixteen foot wide public alley on the east

C. Existing site condition

1. Improved with three story building built prior to 1958 formerly used as a film processing warehouse

2. Building occupies 100 percent of the lot

BZA
Case No. 16796
Exhibit No. 28
Board of Zoning Adjustment
District of Columbia
CASE NO.16796
EXHIBIT NO.28

II. Description of surrounding area (see aerial photograph, attached)

A. New York Avenue corridor

B. Area contains mostly industrial type buildings devoted to wholesale, warehouse and vehicle service and repair

C. Uses in the vicinity include the Hecht's warehouse, a Greyhound bus vehicle facility, the former Crummell School and a fish wholesaler

III. Existing zoning: C-M-2

A. Uses (§§801 – 803)

1. Commercial uses, including restaurant and public hall, permitted as a matter-of-right, as a carry-over from the C-4 District

2. Parking lot permitted as a matter-of-right

3. Warehouse, wholesale and light manufacturing permitted as a matter-of-right

4. Uses first permitted as a matter-of-right are subject to the standard of external effects

B. Height - maximum of sixty feet (§840.1)

C. Density - maximum of 4.0 FAR (§841.1)

D. Rear yard – 2 ½ inches per foot of height at the rear (§842.4)

E. Side yard - not required (§843.1)

F. Parking (§2101.1) - for public hall use, minimum of one space for each ten seats of occupancy capacity for the first 10,000 seats

IV. Proposed development

A. Use: public hall/restaurant with a maximum capacity of 2,300 persons

B. Parking: no on-site parking spaces

V. Relief required: variance from the parking requirements

A. Minimum number of required parking spaces: 230

B. Minimum number of provided parking spaces: none

VI. Standards for a variance (§3103.2)

A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;

C. Provided, that the 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 Map.

VII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition:

1. Building occupies 100 percent of the lot

2. Board found in previous case (BZA #15875) that lot was affected by exceptional condition

B. Practical difficulty

1. Use is permitted as a matter-of-right

2. Variance would be required for any use generating more parking than warehouse

3. Board also found practical difficulty in previous case

C. No detriment to the public good

1. Property is in the middle of industrial area; are no residential uses in the blocks immediately surrounding the site

2. Applicant will provide off-street parking with valet service on nearby lots at the hours that the club is open

   a) 230 parking spaces are required under the Regulations

   b) Two lots can provide approximately 230 spaces

      (1) Lot 1 located at the corner of New York Avenue and Kendall Street can hold approximately 110 cars

      (2) Lot 2 located at the corner of New York and Fairview Avenues can hold approximately 120 cars

   c) Additional spaces for approximately 115 cars can be provided on the streets surrounding the club

      (1) Okie Street can accommodate approximately sixty-two cars

      (2) Kendall Street and Fenwick Street between New York Avenue and Gallaudet Street can accommodate approximately fifty-two spaces

      (3) None of the surrounding businesses are open and require on-street parking at the hours that the club will be open

   d) Applicant will provide cash incentive to cab drivers to pick up patrons at the club

VIII. Conclusions

A. Subject property is affected by exceptional condition because of the lot occupancy of the existing building

B. Strict application of the Regulations would prevent the club, which is a matter-of-right use, from operating

C. The variances can be granted without substantial detriment to any surrounding properties, because sufficient parking will be provided to meet the requirements of the Regulations if it were on-site

D. The application should be granted

