

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - October 14, 1970

Appeal No. 10546 Sidney Nathanson, et al, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried with Messrs. Davis and Scrivener dissenting, the following Order of the Board was entered at the meetings of October 28, 1970 and November 24, 1970.

ORDERED:

That the appeal for permission to rescind Condition (a) in BZA Order 8609 (4/22/66) requiring a 42 inch masonry wall to close lot from alley at 7421 Georgia Avenue, N.W., lot 5, Square 2962 be denied.

FINDINGS OF FACT:

1. The subject property is located in a split zone; the frontage on Georgia Avenue is in the C-2-A District; the rear of the lot is in the R-2 District.

2. The property is approximately 130 feet deep, the first 100 feet is zoned C-2-A, and the back 30 feet is zoned R-2. The property is improved with a single story building which is used as a retail liquor store with adjacent accessory parking under Certificate of Occupancy No. B-14721.

3. The appellant proposes to rescind the condition in the Board's Order 8609 effective April 22, 1966. The condition was, "appellant shall erect a 42 inch masonry wall to close the lot from the alley" (See BZA Order 8609).

4. The alley which is directly behind the liquor store was dedicated by the former owner at the request of the owners of the liquor store and is used only by its customers as an exit. The four single family dwellings across the alley have 6 foot stockade fences between their rear yard and the alley.

5. The appellant alleged that the wall was not built as required by the Board's Order in Appeal 8609 because of advice received at the time from parties in interest and negligence on the part of the store owners.

6. The Metropolitan Police Department recommended that this appeal be granted (See BZA Exhibit No. 11).

7. There was opposition registered at the public hearing to the granting of this appeal.

8. The appellant appeared at the November 18, 1970 public hearing and requested a rehearing and/or reconsideration, alleging that there was new evidence which was not available at the original hearing. There was opposition to the granting of a rehearing and/or reconsideration of this appeal.

9. The Board in executive session on November 24, 1970 denied appellant's request for a rehearing and/or reconsideration.

10. On January 13, 1971, the appellant requested a rehearing and/or reconsideration alleging new evidence and points of law which could not have been presented at the original hearing (See BZA Exhibit No. 16). There was opposition to any rehearing and/or reconsideration of this appeal.

OPINION:

The Board is of the opinion that the granting of this appeal will have an adverse effect upon the present character and future development of the neighborhood. Further, the granting of this appeal will be inconsistent with the public good and will adversely affect the zoning plan as embodied in the Zoning Regulations and Map, therefore, this appeal is denied.

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The appellant's request for a rehearing and/or reconsideration is denied in that there is not, as required by Section 8204 of the Zoning Regulations, any showing that new evidence would be produced at a rehearing that could not reasonably have been presented at the original hearing.

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

ATTESTED:

By:



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PATRICK E. KELLY  
Secretary of the Board