

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - January 17, 1973

Application No. 11285 - Samuel Spencer, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of January 23, 1973.

EFFECTIVE DATE OF ORDER - February 14, 1973

ORDERED:

That the application for a special exception as provided in Section 7104.2 to change a nonconforming use (grocery store) first floor to a retail hardware store, including bicycle sale and repair, and a retail florist shop at 2001 and 2003 P Street, N.W., Lot 1, Square 95, be GRANTED.

FINDINGS OF FACT:

1. The subject premises is located in the SP, special purpose zone which does not permit the proposed use unless first approved by the Board of Zoning Adjustment.
2. The application herein is pursuant to Section 7201.2 of the Zoning Regulations to change a nonconforming use (grocery store) first floor to a retail hardware including bicycle sale and repair, and retail florist shop, basement/first floor.
3. The previous use of the building represented by this application was a retail grocery store occupied by Safeway Stores, Inc.
4. It is applicant's intent to employ 1/3 of the area as a retail florist shop and 2/3 of the area as a retail hardware store.
5. The subject building is a four story brick structure. The basement/first floor is vacant and has been vacant for approximately one year since the termination of the Safeway lease.
6. No letters of opposition were submitted to the file, however, opposition to this application was voiced at the public hearing by the Dupont Circle Citizens Association.
7. The crux of the Association's dissatisfaction with the application herein was that a surplus of rental space existed on Connecticut Avenue and they recommended that applicant establish his use in that area.

OPINION:

The application herein is pursuant to Section 7104.2 of the Zoning Regulations which deals with the change of a nonconforming use. It is this Board's determination that the applicant has met the pre-requisites set out in Section 7104.2, in that the uses sought are uses which are permitted in the most restrictive district in which the existing nonconforming use is permitted.

The intended uses, retail hardware store, including bicycle sale and repair, and retail florist shop, are a less intense use of the property since it is contemplated that there will be less need for customer and service parking for the proposed stores than for the previous retail grocery store.

The Board has heard the opposition and considered it to be without merit.

We are of the opinion that this use will not have an adverse affect upon the present character and future development of the neighborhood and will not substantially impair the purpose, intent, or integrity of the Zoning Regulations and Maps.

This Order shall be subject to the following condition:

No neon or gas tube displays shall be located on the outside of the building nor shall any such displays if placed inside the building be visible from the outside.

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

ATTESTED



By: _____

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.