

Before the Board of Zoning Adjustment, D. C.

Application No. 11452, of Delores Burns for a special exception as provided in Section 7109 to change a nonconforming use from the retail sales of Spanish imports to a restaurant delicatessen at 2130 Florida Avenue, N.W., and from a delicatessen and grocery store to a restaurant delicatessen under Section 7104.2 at 2132 Florida Avenue, N.W., and a variance to permit an opening for access from 2130 to 2132 Florida Avenue, N.W., Lot 13, 2130 Florida Avenue, and Lot 12, 2132 Florida Avenue, Square 65.

HEARING DATE: August 29, 1973

EXECUTIVE SESSION: September 11, 1973

FINDINGS OF FACT:

1. In his opening statement to the Board, applicant withdrew his request for the variance stating that it was no longer required because the opening for access is not a structural alteration within the meaning of Section 7106.

2. The present nonconforming use was approved by this Board in 1963.

3. Applicant amended his application asking for a restaurant only at 2130 and a delicatessen at 2132, with carry out service.

4. The proposed use will be housed in one building connected with the accessway through a common wall. It is presently two buildings with a wall separating them from the ground up.

5. The restaurant delicatessen will be opened from 7:00 a.m. to 7:00 p.m. Monday through Friday and from 10:00 a.m. to 4:00 p.m. on Saturday. The seating capacity is 104.

6. No parking will be provided. The patrons will come from the immediate neighborhood. On street parking is permitted on R Street, N.W., and 21st and 22nd Streets, N.W.

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7. Applicant will lease the property for five years on one and 15 years on the other, with an option on the five year lease.

8. No opposition was voiced at the public hearing.

CONCLUSIONS OF LAW:

The Board concludes that the proposed 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.

ORDERED:

That the above application, be GRANTED

VOTE: 3-1-0, Scrivener dissenting and Lilla Burt Cummings, Esq. not voting.

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

ATTESTED BY:



JAMES E. MILLER
Assistant Secretary
for 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.

FINAL DATE OF THIS ORDER:

OCT 19 1973