

Before the Board of Zoning Adjustment, D. C.

Application No. 11649, of Rose Launi, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to change a non-conforming use from a retail variety store and newsstand to a delicatessen and carryout as provided by Section 7104.2 at 715 F Street, N. E., Lot 68, Square 982.

HEARING DATE: May 15, 1974

EXECUTIVE SESSION: June 6, 1974

FINDINGS OF FACT:

1. The subject property is a one-story brick building and is located in an R-4 Zone. It was previously used as a variety store but at the present time it is vacant.

2. Applicant, Mancy Stanley, the operator of the delicatessen, testified and the Board finds that he and his wife would operate the business seven (7) days a week. The hours of operation would be determined by the volume of business.

3. Hot sandwiches, coffee, ice cream, etc. will be served to carry out. No consumption of food would be allowed on the premises.

4. Mr. Stanley further testified that he has a contract to lease the premises for one (1) year conditioned upon approval of the Board.

5. The Capitol Hill Restoration Society, represented by Mrs. Carol Santos, opposed the application because it is neither necessary nor desirable in this location. Mrs. Santos testified that a major commercial area exists along H Street between 6th Street and H Street, N. E., with several restaurants and carryout facilities.

In general, the Capitol Hill Restoration Society felt that carryout establishments are a nuisance to the neighborhood, despite the efforts of proprietors to prevent litter from being a problem.

6. Mr. Stanley testified and the Board finds that his main objective was to help clean up the neighborhood. He was the manager of the Rainbow Supermarket and was responsible for building up the business so that people could come in and not be afraid to shop. Mr. Stanley submitted petitions signed by property owners from the neighborhood in support of his application.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that Mr. Stanley is both responsible and capable of conducting the operation of the delicatessen and carryout despite the adverse affect carryouts in general have experienced in neighborhoods throughout the city.

The Board concludes that the proposed use is not likely to have an adverse affect upon the present character and future development of the neighborhood.

ORDERED:

That the above application be CONDITIONALLY GRANTED for one (1) year and 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.

VOTE: 4-0 (Mr. Harps not present)

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

ATTESTED By: James E. Miller

JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER: 7/9/74

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.