

Before the Board of Zoning Adjustment, D. C.

Application No. 11756, of Sidney and Miriam Freedman, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a change of non-conforming use (servicing of copy machines to retain sales and stock room for fruits and flowers) as provided by Sections 7104.2 and 7109 of the regulations at 613 K Street, N. W., in the R-5-D Zone, Lot 3, Square 451.

HEARING DATE: October 16, 1974

EXECUTIVE SESSION: October 25, 1974, January 21, 1975
February 25, 1975

ORDER ON RECONSIDERATION

Upon consideration of applicant's motion for rehearing, the Board hereby reconsiders their decision dated December 16, 1974 in this matter and it is hereby ordered: That the Board's Order on reconsideration dated January 24, 1975, be and is hereby vacated and that the above application be GRANTED for the retail sales and incidental storage on the premises only.

FINDINGS OF FACT:

1. The Board finds that proposed change of non-conforming use as it relates to the storage and retail sale of fruits and flowers on the subject property is a proper change within the meaning of Section 7104.2 of the regulations.

2. The storage of goods (fruits and flowers) on the premises for retail sale by vendors on the street corners of Washington, D. C. is a wholesale use permitted in the C-M Zone, thus not a use which would be permitted in the most restrictive district when the existing non-conforming use is permitted.

3. No opposition was registered at the public hearing of this application.

4. The **proposed** change of this non-conforming use would have no adverse affect upon the neighborhood in which it is located.

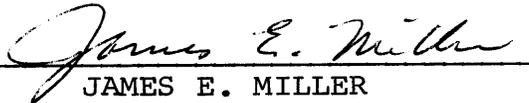
CONSIDERATION OF LAW:

Based upon the above Findings of Fact and record, the Board concludes that the applicant complies with the requirements of Section 7104.2 of the Zoning Regulations for a change of non-conforming use of the subject property to retail sales and incidental storage on the premises. No opposition having been raised, the Board further concludes that the proposed change of use would not adversely affect the use of nearby or adjoining property or impair the meaning and intent of the regulations.

VOTE: 4-1 (Lilla Burt Cummings, Esq. Dissenting)

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED By:



JAMES E. MILLER
Secretary to 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 ORDER: MAR 18 1975