

Before the Board of Zoning Adjustment , D. C.

Application No. 11887, of SND Development Corporation, pursuant to Section 8207. 2 of the Zoning Regulations, for a special exception to change a nonconforming use from the sale of gifts, stationery, new and used books and related items (1st floor) to a photographic development processing shop (1st floor and incidental storage in basement), as provided by Sections 7104.2 and 7109 of the regulations, in the SP Zone at the premises 509 E Street, N. W., known as Lot 804, Square 488.

HEARING DATE: June 18, 1975

DECISION DATE : August 6, 1975

FINDINGS OF FACT:

1. Applicant proposes to establish a photographic development processing shop in a portion of its vacant four (4) story semi-detached building previously occupied by a book store on the first (1st) floor.

2. Applicant seeks relief on the basis that a sizeable capital investment would be required to render the space suitable for an SP use and there is risk involved because of the uncertain future of the area and competition from larger buildings in the area.

3. The entire square on which applicant's lot is located is zoned SP and contains both conforming and non-conforming uses including residential apartments, law offices, bondsmen offices, a restaurant, retail stores, parking lots, large printing press establishment, tour operation, and Salvation Army District Headquarters. The square located to the west is zoned C-4 and Judiciary Square is located to the east.

4. The proposed photographic development processing shop arranges to photograph large groups at the U. S. Capitol then processes the photos and mails them to their customers. The business is principally conducted by mail and telephone and three (3) full-time employees occupy the office ten (10) part-time persons employed during the peak tourist season. The photographic equipment does not generate noise, smoke or odors.

5. The Zoning Administrator by written memorandum to the Board dated July 2, 1975, determined that the proposed use, which is not classified in the Zoning Regulations, would first be permitted in the C-2 Zone since it is more similar to the C-2 uses such as photographic studio, blue-printing and other reproduction services, printing, lithographing and photoengraving than it is to C-1 uses such as an artist studio or photographic supply store.

6. The previous nonconforming use of a book store with the sale of gifts, stationery, new and used **books** and related items is a C-1 use.

7. An abutting property owner testified in support of the application on the basis that the proposed use would be a good addition to the business in the area.

8. Said abutting property owner would also provide parking for the employees of the proposed use in his parking area and there **is** a parking lot located directly across the street.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the evidence of record the Board finds that the proposed use does not meet the basic criteria of Section 7104.2 of the Zoning Regulations which permits a change of nonconforming use to a use permitted in the most restricted districts in which the existing nonconforming use is permitted. The present nonconforming use of the bookstore is a C-1 use and a change to the proposed C-2 use of the photographic development processing shop would make the subject property more nonconforming in the SP Zone. Therefore, the Board concludes that the change of nonconforming use is not in harmony with the purpose and intent of the Zoning Regulations as provided in Section 8207.2 of said regulations and the application must be denied.

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ORDER: It is hereby ordered that the above application  
be DENIED.

VOTE: 4-0 (Mr. Klauber not voting after not having heard  
the case).

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: *October 23, 1975*