

Before the Board of Zoning Adjustment, D.C.

Application No. 11887 of SND Development Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Sub-section 7104.2 and Section 7109 to permit a change of nonconforming use from a book store to a photographic development processing shop in the SP District at the premises 509 E Street, N.W. (Square 488, lot 804).

HEARING DATE: June 18, 1975

DECISION DATE: August 6, 1975

DISPOSITION: Application denied by a vote of 4-0 (Scrivener, Harps, McIntosh and Cummings to deny, Klauber not voting not having heard the case)

FINAL DATE OF ORDER: October 23, 1975

ORDER

Upon consideration of the applicant's Motion for Reconsideration, dated November 10, 1975, the Board finds that the motion states an acceptable basis of error on the part of the Board and identifies new issues which would warrant rehearing of the matter. It is therefore ordered that a rehearing on the application be granted, subject to the conditions that the applicant shall file an amended application including a request for a variance.

DECISION DATE: February 11, 1976

VOTE: 4-1 (McIntosh, Harps, Lewis and McCants to rehear, Cummings not to rehear)

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

ATTESTED by:



STEVEN E. SHER
Acting Secretary of the Board

FINAL DATE OF THE ORDER: MAR 4 1976

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 11887 of SND Development Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Sub-section 7104.2 and Section 7109 to permit a change of nonconforming use from a book store to a photographic development processing shop in the SP District at the premises 509 E Street, N.W., (Square 488, Lot 804).

HEARING DATE: June 18, 1975

DECISION DATE: August 6, 1975

This application was Denied by Final Order dated October 23, 1975. On March 4, 1976 applicant was advised that a rehearing had been granted pending the filing of an amended application including a request for a variance. On June 7, 1976 requested Board to ~~Dismiss~~ w/o Prejudice. On April 13, 1977 applicant was advised that the matter of rehearing was still pending. On April 22, 1977 applicant requested to amend its application permitting a change in a non-conforming use from book shop to a restaurant use.

Accordingly, it is ORDERED that the application is DISMISSED WITHOUT PREJUDICE.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles Norris and Leonard L. McCants, Esq.)

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

ATTESTED BY:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER:

6-10-77

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.

Application No. 11887

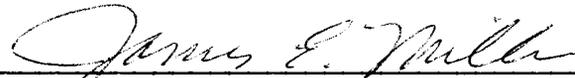
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ORDER: It is hereby ordered that the above application
be DENIED.

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

Secretary to the Board

FINAL DATE OF ORDER:

October 23, 1975