

Before the Board of Zoning Adjustment, D. C.

Application No. 12103, of Ulysses and Lulu Auger, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from an antique shop to a delicatessen in the SP District on the first (1st) floor at the premises 1247 - 20th Street, N. W., (Square 116, Lot 59).

HEARING DATE: March 31, 1976

DECISION DATE: May 3, 1976

FINDINGS OF FACT:

1. The subject property is located in an SP District.
2. The subject property is presently vacant and has been so for approximately six years. The last recorded Certificate of Occupancy, No. B-36412, was issued on July 23, 1962 for use as an antique shop. An antique shop is a use first permitted in a C-2 District.
3. The proposed use of the property is for a carry-out shop for the off-premises consumption of pizzas and sandwiches. A delicatessen or carry-out is first permitted in the C-2 District. The hours of operation are proposed to range from 10:00 a.m. to 9:00 p.m., Monday through Saturday, and 11:00 a.m. to 6:00 p.m. on Sundays. Three employees will operate the establishment.
4. The subject premises is one of a row of five buildings, all of which are used for commercial purposes, including a restaurant, hair styling establishment, Greek import shop, and a bar.
5. The proposed use would serve as a neighborhood facility open to serve residents of the area. The use is of such magnitude that it will not have any major negative impact on the area. Parking spaces are neither required nor proposed.
6. The Municipal Planning Office, by report dated March 12, 1976, recommended approval of this application,

because the proposed change is a move more in the direction of conformity with Sub-section 7104.2 of the Zoning Regulations.

7. The Dupont Circle Citizens Association and the North Dupont Community Association opposed the application on the grounds it would increase the flow of traffic and litter in the neighborhood.

CONCLUSIONS OF LAW:

Upon consideration of the above application, the Board concludes that the use is of such magnitude that it would not have a major negative impact on the area. The Board concludes that the proposed use is so classified that it would be permitted in the most restrictive zone district wherein the prior non-conforming use of the subject property was permitted, as required by Section 7104.2 of the Zoning Regulations. The Board further concludes that the proposed use would not be objectionable, that it would not affect the present character or future development of the neighborhood, and the standards of Section 7109 of the Zoning Regulations have been met. Accordingly it is therefore ORDERED that the above application be GRANTED.

VOTE: 3-0 (Martin Klauber, Leonard L. McCants, William F. McIntosh to grant, Lilla Burt Cummings & Williams S. Harps not voting, not having heard the case).

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: JUN 10 1976

THAT THE ORDER SHALL BE VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER: