

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12458 of SND Development Corporation pursuant to Sub-section 8207.2 of the Zoning Regulations to change a non-conforming use from retail sales of gifts, stationery, new and used books and related items to a restaurant (Sub-section 7104.2). The Property is in the SP District at 509 E Street, N. W., Lot 804, Square 488.

HEARING DATE: July 20, 1977

DECISION DATE: August 3, 1977

FINDINGS OF FACT:

1. The subject property is located in an SP Zone District at 509 E Street, N. W.
2. The last previous use of the property was for retail sales of gifts, stationery, new and used books and related items first (1st) floor, covered by Certificate of Occupancy B-16763, issued March 17, 1959.
3. The applicant proposes to use the subject premises as a carry-out restaurant.
4. The Board of Zoning Adjustment under Sub-section 7104.2 of the Zoning Regulations may change a Class II non-conforming use to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted. The proposed non-conforming use (restaurant) and the most recent non-conforming use (retail sales of gifts, stationery, new and used books and related items), are both first permitted as a matter of right in a C-1 Zone District.
5. Square 488 which is the location of the subject property, is located between the Judiciary Square Court buildings immediately to the east, and commercial buildings in a C-4 zone to the west, with several surrounding office buildings. This includes a tour bus company and the Salvation Army. The area is in a state of transition, with new development occurring in the area.

6. The proposed carry-out restaurant will provide a convenient facility to surrounding employees as well as tourists in the area.

7. While commercial uses of the subject type are not permitted as a matter of right in the SP Zone, the Municipal Planning Office reports that the addition of commercial uses in this area is consistent with the city's planning objectives for the area.

8. The Municipal Planning Office by report dated July July 15, 1977, recommended approval of this application.

9. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact the Board is of the opinion that this change of non-conforming use is not likely to adversely affect the existing character or future development of the neighborhood. The Board further is of the opinion that the proposed carry-out use on the first floor of the subject premises will not create any objectionable conditions in the area. The Board concludes that since the area is presently in a state of transition with the occurrence of new development, the proposed restaurant use should be reviewed after a suitable period of time to determine whether its operation is still consistent with the character of the area. It is therefore ORDERED that this application is hereby GRANTED for a period of five (5) years.

VOTE:

4-1 (Charles R. Norris, Leonard L. McCants, Esq.,
Walter B. Lewis and Chloethiel Woodard Smith
to grant; William F. McIntosh to deny)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 AUG 1977

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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.