

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12688 of Robert Goldsten, 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 automatic laundry, dry cleaning agency and shirt processing establishment (first floor) to a retail grocery store and delicatessen (first floor) in the R-5-A District at the premises 1612 Kenilworth Avenue, N.E. (Square 5113, Lot 807).

HEARING DATE: July 19, 1978

DECISION DATE: July 19, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located in the R-5-A District. It is approximately 2,360 square feet in area improved with a dilapidated one story vacant brick building and is known as 1612 Kenilworth Avenue, N.E. The site was advertised as Lot 4. A revised surveyor's plat shows the correct Lot number to be 807.
2. The subject property has frontage on Kenilworth Avenue, N.E. approximately 200 feet from the Prince George's county line. Kenilworth Avenue opposite and adjacent to the subject property is a major expressway with three lanes northbound and three lanes southbound separated by a concrete traffic island.
3. The uses surrounding the site include to the north, separated by a driveway a parking area which serves the adjoining two story apartment buildings. To the east, in front of the site is an underpass. The area to the west is developed with low rise garden apartments, and a mix of semi-detached and detached houses. On the opposite side of the Kenilworth Avenue is a restaurant, a liquor store, a sheet metal enterprise and a roofing company.

4. The subject site operated as an automatic laundry, dry cleaning agency and shirt pressing business from 1958 to 1977.

5. The applicant proposes to change a non-conforming use from an automatic laundry, dry cleaning agency and shirt processing establishment (first floor) to a retail grocery store and delicatessen (first floor) in the R-5-A District.

6. The operators of the proposed store are contract purchasers of the building and the land. They are currently operating a similar business in a similar neighborhood in the District of Columbia. The hours of operation will range from 9:00 a.m. to 10:00 p.m. seven days a week. There will be five full and part-time employees who will run the operation.

7. The proposed use is intended to serve the food needs of the residents in the immediately surrounding area.

8. There are no establishments of this type nor of a retail food nature in walking distance of the residents in the area.

9. The Zoning Regulations characterize both a self-service laundry with not more than 2500 square feet and food or grocery store as C-1 uses. Thus the proposed use change will not represent a greater intensification of land use.

10. Since the gross floor area of the building is less than 2000 square feet, no off street parking is required. It is anticipated that eighty percent of the customers will walk to the subject store.

11. In the event that on -street parking is not available the rear portion of the site could be designed to provide on site parking for some employees and customers who travel to the site by automobile.

12. Sixty-four signatures from residents in the area indicating support for the application were submitted to the record.

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13. The Municipal Planning Office by report dated July 14, 1978, recommended that the application be approved on the grounds that the proposed use does not represent a greater intensification of land use and that there was a critical shortage of food stores in the surrounding area and that the approval of this application would tend to alleviate this shortage. The Board so finds.

14. The office of Business and Economic Development by letter dated July 11, 1978 requested that the Board approve the application and pledged their support.

15. The Advisory Neighborhood Commission 7A recommended the approval of the application.

16. There was no opposition to the case.

CONCLUSIONS OF LAW:

Based on the record, including the report from the Municipal Planning Office, the Board concludes that the proposed change in non-conforming use to a retail grocery store and delicatessen does not represent an intensification of land use and can be permitted under the Zoning Regulations. The Board concludes that the proposed use is reasonable necessary and convenient to the residents of the area and would be a neighborhood facility. The Board further concludes that the proposed use will have no adverse impact upon traffic conditions and that the proposed application will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps. Accordingly, it is so ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Theodore F. Mariani and Leonard L. McCants to grant).

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

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ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF THIS ORDER: 30 AUG 1978

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.