

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13136 of Peter D. Roushakes, Trustee, 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 a general office, first floor, to a delicatessen, first floor, no seating, in an SP-2 District at the premises 420 I Street, N.W., (Square S-516, Lot G).

HEARING DATE: January 23, 1980

DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located in an SP-2 District on the south side of I Street, between 4th Street to the east, and 5th Street and Massachusetts Avenue to the west.

2. The site is rectangular in shape and is developed with a one story cinder block structure.

3. The property was last used as an office, pursuant to Certificate of Occupancy No. B-46664, dated July 10, 1964. The owner testified that this use was as a Printing Shop.

4. The applicant proposes to use the property as a delicatessen.

5. The property is surrounded to the north by an office building in the C-2-B District, to the east by a private alley followed by a one story cinder block building similar in construction to the subject structure and previously occupied by a printing business. This building is followed by several vacant lots and a row dwelling in the SP District. To the west is a vacant lot, followed by the D.C. Motor Cycle Service Co., Dean Frame Service, several vacant lots, and an auto repair garage, all in the SP District.

6. Sub-section 7104.2 of the Zoning Regulations states that a non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted. Both the proposed use of a delicatessen and the previous use of general offices are first permitted as a matter-of-right in the C-1 zone district.

7. The applicant testified that the proposed use would primarily be a neighborhood facility serving the surrounding community.

8. There would be no increase in noise, traffic or other objectionable effects because of this change, since the applicant operated a delicatessen less than one block away for approximately twenty seven-years.

9. The applicant testified that the expiration of his lease at 444 K Street, where he and his wife lived on the second floor, forced him to seek other accommodations.

10. The proposed hours of operation will be from 7:00 A.M. to 7:00 P.M.

11. The Office of Planning and Development by report dated January 17, 1980, and testimony given at the public hearing, recommended that the application be approved. The Office of Planning and Development reported that the change in land use is in conformance with Sub-section 7104.2, and that the proposed use will not become objectionable to the neighboring properties as it will continue a relocated service that has existed in the neighborhood for the past twenty-seven years. The Board so finds.

12. There was no report from Advisory Neighborhood Commission 2C on this application.

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

CONCLUSION OF LAW AND OPINION

Based on the record, the Board concludes that the change of use can be permitted, because the proposed use is permitted in the most restrictive district in which the existing use is permitted. The Board further concludes that the proposed change of use meets the requirements of the Zoning Regulations, in that the proposed use is a neighborhood facility, will not intensify the use of the premises and will not have an adverse effect on surrounding property.

The Board further concludes that the proposed use would be in harmony with the general purpose and intent of the Zoning Regulations and Maps.

Accordingly, it is hereby ORDERED that this application is GRANTED for a period of FIVE YEARS, to allow the Board to assess the actual impact of the proposed use.

VOTE: 4-0 (Theodore F. Mariani, William F. McIntosh, Connie Fortune and Leonard L. McCants to grant; Charles R. Norris not present, not voting).

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

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

FINAL DATE OF ORDER: 7 APR 1980

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."