

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13282 of Irvin Wood, Jr., 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, first floor, from a cleaning agency, alterations, pressing and pick-up station to a retail variety store, food products, tobacco products, jewelry and clothing, first floor in an R-4 District at the premises 1408 New Jersey Avenue, N.W., (Square 511, Lot 800).

HEARING DATE: July 16, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the west side of New Jersey Avenue north of O Street. It is known as premises 1408 New Jersey Avenue, N.W.

2. The subject address is part of a larger building located on Lot 800 in Square 511. The lot has a two story building with two addresses, 1408 New Jersey Avenue and 401 O Street. The 401 O Street address was formerly a bar and grill, but is not part of the application.

3. The premises at issue in this application contains 488 square feet. It is presently vacant.

4. The last recorded Certificate of Occupancy, No. B-100062, dated October 26, 1976, authorized the use of the premises as a "cleaning agency, alterations, pressing pick up station." Such a use is first permitted in a C-1 District.

5. The applicant proposes to operate a variety store on the subject premises, including the sale of tobacco products, jewelry, small articles of clothing, soda, etc. A variety store is a use permitted as a matter-of-right in a C-1 District.

6. The store will be open ten to twelve hours a day. Two persons will be employed, only one of whom will be on the premises at a time. There will be no food prepared on the premises for off-premises consumption.

7. The neighborhood is primarily residential in character. There are a number of institutional uses in the area, including schools, churches and a fire station.

8. The store is expected to serve primarily the needs of the immediate residents of the neighborhood. There will be little or no traffic associated with the use.

9. There was no report from Advisory Neighborhood Commission 2D.

10. There was no letters of opposition, which referred to difficulties encountered with the bar and grill. That property is not involved in this application.

CONCLUSIONS OF LAW AND OPINION

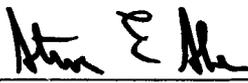
Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to change a non-conforming use. In order to be granted such an application, the applicant must demonstrate that he has complied with the requirements of Sub-section 7104.2, Section 7109 and Sub-section 8207.2. The Board concludes that the applicant has so demonstrated. The proposed use is permitted in the most restrictive district in which the previous use is permitted. The use will be a neighborhood facility, and will be of such a low level of intensity that it will not be objectionable.

The Board further concludes that the special exception can be granted as 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 regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis and Charles R. Norris to grant, William F. McIntosh to grant by proxy, Leonard L. McCant not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 SEP 1980

BZA APPLICATION NO. 13282

PAGE 3

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."

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.