

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13446 of the Department of Housing and Community Development, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.46 to use the basement portion of the subject premises as a community service center (food store) in an R-5-B District at the premises 1011 - 7th Street, S.E., (Square 881, Lot 30).

HEARING DATE: April 22, 1981

DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located on the northwest corner of the intersection of 7th and L Streets, S.E., in an R-5-B zone District at premises known as 1011 - 7th Street, S.E.
2. The site is presently improved with a two story and basement brick structure which is part of the Arthur Capper Housing project.
3. The basement space is used by the applicant as a community service food store serving residents of the housing project and the surrounding area.
4. The service store began operation in 1970 at 1101 - 7th Street, S.E. This building deteriorated and in 1973, the applicant moved to the subject premises. The last approval to operate the store was issued pursuant to this Board's Order No. 12296, dated March 7, 1977.
5. The applicant proposes the continuation of the community service food store in the basement of the structure. No structural changes are proposed, and the center operates as a non-profit organization.
6. The Board's prior approval expired on March 7, 1979. The applicant testified that the delay in filing a new application was caused by an oversight. The person generally responsible for making BZA application took a leave of absence, and the expiration of the Certificate of Occupancy went unnoticed for a period of time. Once aware of the expiration, the applicant filed a new application.
7. There was no report of Advisory Neighborhood Commission 2D on this application.

8. The Office of Planning and Development by report dated April 17, 1981, and testimony at the public hearing, recommended approval of the application on the grounds that the food cooperative provides a much needed service to the housing project and surrounding area, particularly because large food stores are distant, and that the facility has operated efficiently for a number of years without creating objectionable conditions due to traffic and noise in the area. The Board so finds.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant substantially meets the requirements of Paragraph 3104.46 of the Zoning Regulations. The proposed use will have no adverse affect upon neighboring or adjoining properties. The store is necessary and convenient to the neighborhood. The use can be granted as in harmony with the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that this application is hereby GRANTED for a period of THREE YEARS.

VOTE: 3-0 (Douglas J. Patton and Connie Fortune to grant; William F. McIntosh to grant by proxy; Charles R. Norris and John G. Parsons not voting, not having heard the case).

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

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

8 AUG 1981

FINAL DATE OF ORDER: _____

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.