

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13600, of Safeway Stores, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 5101) to use a part of the first floor of the subject premises as an amusement arcade, not sexually oriented, in a C-1 District at the premises 5233 North Capitol Street, N.E., (Square 3698, Lot 7).

HEARING DATE: December 9, 1981
DECISION DATE: December 9, 1981 (Bench Decision)

ORDER

The subject application was scheduled for the public hearing of December 9, 1981. At the time the application was filed, the owner of the subject property was listed on the application form as Safeway Stores, Inc. By letter of November 16, 1981, Safeway Stores, Inc., advised the Zoning Secretariat that it was not the owner of the property but the lessee. By letter of November 19, 1981, the D.J. Dunigan, Inc., advised the Zoning Secretariat that it was the owner of the subject property, that it was not a party to the application and that it was opposed to the proposed use of its premises. At the public hearing, the D & S Amusements, Inc., the sub-lessee and party who filed the application, advised that it was mistaken as to the true owner of the property at the time of the filing of the application and requested permission to WITHDRAW the application. The opposition present at the public hearing concurred in the request to withdraw.

Under the Supplemental Rules of Practice and Procedure before the BZA all applications must be filed and advertised in the name of the true owner of the property. The Board finds that the subject property was not properly filed and advertised.

Upon consideration of the foregoing facts, it is ORDERED that the request to WITHDRAW the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Douglas J. Patton, Lindsley Williams and Connie Fortune to WITHDRAW).

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

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JAN 18 1982

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."