

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13887, of Mattie Davis, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3104.3) to use the subject premises as a variety store (incense, oils, candles, herbs, foods, (canned goods and packaged food) in an R-4 District at the premises 1544 9th Street, N.W., (Square 365, Lot 813).

HEARING DATES: January 12, and March 9, 1983
DECISION DATE: April 6, 1983

ORDER

The subject application was originally scheduled for the public hearing of January 12, 1983. The application was continued to the public hearing of March 9, 1983, since the applicant had failed to comply with Section 302.3 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment. The applicant failed to properly post the subject property with notice of the public hearing or file the necessary affidavit.

The application appeared on the preliminary calendar of the public hearing of March 9, 1983. No affidavit of posting had been filed. The applicant's representative testified under oath that the property had been properly posted on February 19, 1983, and maintained since that date. The Chairman ruled that the property had been properly posted and that the requirement that an affidavit be filed pursuant to Section 302.3c of the Rules be waived.

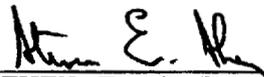
During the course of the public hearing, the applicant's representative presented evidence supporting the application and the Office of Planning presented its recommendation. There was no opposition to the application at the public hearing or of record. Responses to the inquiries of the Board from the applicant and the Office of Planning representative regarding the history of non-residential uses in the subject building and the existence of current valid certificates of occupancy for the structure were inconclusive. The Board left the record open for submission by both the Office of Planning and the applicant of copies of any information on certificate of occupancies issued for the subject premises.

By memorandum dated March 23, 1983, the Office of Planning informed the Board that further research of the records of the Department of Licenses, Investigations and Inspections revealed that the last certificate of occupancy No. B-84998 issued for the first floor of the subject premises dated March 12, 1973, was for a grocery store. Further, the grocery store was registered as a nonconforming use dating back to 1958 and reregistered in 1973. The Office of Planning verified, through the Zoning Administrator's Office, that based on this information, the continued use of the first floor of the subject premises for a grocery store could be permitted without Board approval.

Upon consideration of the foregoing facts, the Board determined that no action by the Board to grant variance relief is necessary. Accordingly, it is ORDERED that the application is DISMISSED.

VOTE: 5-0 (Carrie L. Thornhill, Maybell Taylor Bennett, William F. McIntosh, Douglas J. Patton and Charles R. Norris to DISMISS).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 23 1983

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."

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