

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15415 of Fitwi Tekeste, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 for a change of nonconforming use from a grocery store to a grocery store and delicatessen on the first floor in an R-4 District at premises 1250 C Street, N.E. (Square 1009, Lot 23).

HEARING DATE: January 16, 1991
DECISION DATE: January 16, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 6A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 6A. ANC 6A, which is automatically a party to the application, by letter dated January 10, 1991, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED:

1. The hours of operation shall not exceed from 8:00 A.M. to 9:00 P.M., seven days per week.
2. The number of employees shall not exceed four, two full-time and two part-time.
3. Trash pick-up shall occur no less than twice per week.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver

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will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 Paula L. Jewell, Sheri M. Pruitt and Charles R. Norris to adopt; John G. Parsons and Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JAN 31 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, '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 CONSUMER AND REGULATORY AFFAIRS.

15415Order/BHS

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As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated JAN 31 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Seyoum & Betty Gebrehiwot
1250 C Street, N.E.
Washington, D.C. 20002

Fitwi Tekeste
7400 Flower Avenue
Takoma Park, Maryland 20192

David Jones, Chairperson
Advisory Neighborhood Commission 6A
Maury School
13th & Const. Avenue, N.E., #10
Washington, D.C. 20002

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: JAN 31 1991

ATTESTAT/BHS