

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15860 of the Army Distaff Foundation, Inc. as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 354 to establish a convenience store, or in the alternative, a special exception under Section 218 to establish a convenience store as an accessory use to a community residence facility, health care facility and apartment house in an R-1-A District at premises 6200 Oregon Avenue, N.W. (Square 2339, Lot 3).

HEARING DATE: November 17, 1993
DECISION DATE: November 17, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, submitted a written statement of issues and concerns in support of this 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 special exceptions pursuant to 11 DCMR 354, and 218. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in 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 being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The convenience store shall be limited to residents and their guests, and located in a 15 by 20-foot room on or below the main floor of the building.

2. The convenience store shall operate no more than six hours a day, seven days a week.
3. Food preparation shall not be permitted at the store. The convenience store shall be limited to the sale of pre-packaged foods, drugs and sundry items consistent with but not limited to the items listed in Exhibit 5 and 27 of the record.
4. No part of the convenience store shall be visible from the public sidewalk.
5. No signs or display indicating the existence of the convenience store shall be visible from the outside of the building.

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 will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Maybelle Taylor Bennett, Craig Ellis, Laura M. Richards, George Evans and Angel F. Clarens to grant).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

NOV 30 1988

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS 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.

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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.

15860Ord/RCL/bhs

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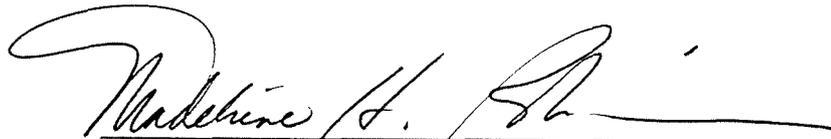


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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 30 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

M.G. Calvert P. Benedict
6200 Oregon Avenue, N.W.
Washington, D.C. 20015

Anne M. Renshaw, Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252
Washington, D.C. 20015


MADELIENE H. ROBINSON
Director

DATE: NOV 30 1993

15860Att/bhs