

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15940 of Teklemariam Haile, pursuant to 11 DCMR 3108.1, to reinstate the Board's previous order dated February 25, 1992 in Application No. 15208 of Teklemariam Haile, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to change a nonconforming use from a grocery store to a grocery/deli and carryout on the first floor in an R-4 District at premises 1401 6th Street, N.W. (Square 479, Lot 815).

HEARING DATE: April 20, 1994
DECISION DATE: April 20, 1994 (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) 2C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to the application, submitted a written statement of 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 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, 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. Approval shall be for a period of five years.
2. The hours of operation shall be between 8:00 a.m. and 10:00 p.m., seven days a week.

3. A maximum of four employees shall work at the site at one time.
4. Food items to be served shall be limited to hot and cold sandwiches and beverages. Hot dogs, pizza and similar food items shall be permitted. Heating and cooking shall be limited to devices that do not require exterior exhaust.
5. A trash receptacle shall be located near the entrance of the store.
6. Trash shall be removed from the site at least twice weekly by a public trash removal service.
7. There shall be no public telephone installed on the exterior of the structure.
8. No neon signs shall be visible on the exterior of the structure.
9. The applicant shall inspect the outdoor area adjacent to the store daily to keep it free of refuse and debris.

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 (Laura M. Richards, Craig Ellis, George Evans, William B. Johnson 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: _____

APR 29 1994

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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15940/TWR/LJP

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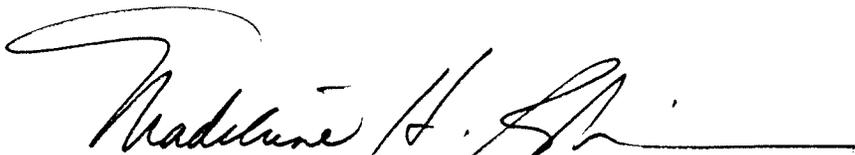


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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 29 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Yebeltal Kebede
Mulu Wubshet
2637 16th Street, N.W. #201
Washington, D.C. 20009

Alverta Munlyn, Chairperson
Advisory Neighborhood Commission 2-C
1127 Sursum Corda Court, N.W.
Washington, D.C. 20001


MADELIENE H. ROBINSON
Director

DATE: APR 29 1994.