

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16527 of Basil Gogos Living Trust, pursuant to 11 DCMR 3108.1(new section 3104.1) for a special exception under Subsection 2000.6 to establish a new non-conforming retail beverage use to an existing non-conforming retail grocery store for the basement, the first and second floors in an R-4 District at premises 2633 Sherman Avenue, N.W. (Square 2884, Lot 77).

HEARING DATE: December 8, 1999

DECISION DATE: December 8, 1999

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 1B, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1B. ANC 1B, which is automatically a party to this application, submitted a written statement in support of the application. The Board acknowledges the report of ANC 1B; however, is unable to give "great weight" to the report because it does not contain the requisite information identified in Subsection 3115.1 of the Zoning Regulations.

As directed by 11 DCMR 3324.2 (new 3119.2), the Board 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 Subsection 2000.6. No person or entity appearing as a party to this case testified in opposition to the application. 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 3108.1 (new 3104.1), 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 be **GRANTED, SUBJECT** to the following **CONDITIONS**:

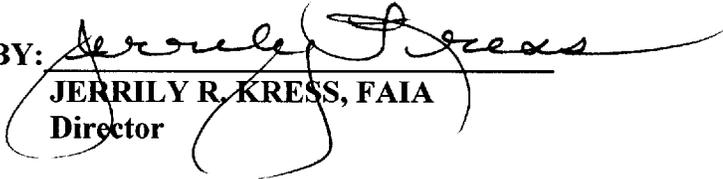
1. The hours of operation shall be:
9:00 a.m. to 9:00 p.m., Monday through Thursday
9:00 a.m. to 10:00 p.m., Friday
9:00 a.m. to 12:00 a.m., Saturday
2. Trash shall be removed two times weekly.
3. There shall be no more than three employees.

Pursuant to 11 DCMR 3301.1 (new 3101.6), the Board has determined to waive the requirement of 11 DCMR 3331.3 (new 3125.3) that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-1-0 (Jerry Gilreath, Kwasi Holman and Robert Sockwell to approve; Sheila Cross Reid, abstaining.)

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

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JAN 13 2000

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.

UNDER 11 DCMR 3125.6, "A DECISION OR ORDER OF THE BOARD SHALL BE AND BECOME FINAL UPON FILING IN THE RECORD AND SERVICE UPON THE PARTIES."

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

BAB/12-14-99

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BZA APPLICATION NO. 16527

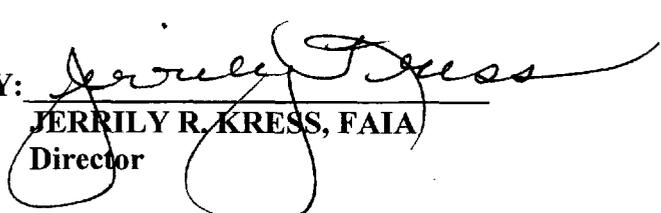
As Director of the Office of Zoning, I hereby certify and attest that on JAN 13 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Soon K. Chang
2714 Hunters Gate Terrace
Silver Spring, MD 20904

Terry B. Foster
2633 Sherman Avenue, N.W.
Washington, D.C. 20001

Nik Eames, Chairperson
Advisory Neighborhood Commission 1B
Reeves Center
P.O. Box 73710
Washington, D.C. 20009-3710

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director