

PUBLIC HEARING--Oct. 21, 1964

Appeal #7962 Katharine Miller, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 27, 1964:

ORDERED:

That the appeal to change a nonconforming use from grocery store to a grocery store and delicatessen at 3305 - 45th Street, N.W., lot 3, square 1603, be conditionally granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) This property has been used in the past as an office and a grocery store. The zoning of the property was changed from First Commercial, 40' "C" Area to R-1-B by the adoption of the Lewis Plan effective May 12, 1958 thus making the property nonconforming.

(2) The business is operated by two persons and has been operated as a grocery store for about ten years. Appellant states that students from American University and people working in the area have been requesting that appellant make sandwiches for consumption off-premises. At the present time she is prohibited from doing this as the grocery license limits to sale of fresh fruits, groceries and meats. A delicatessen permits the the same use, but also permits preparation of food for off-premises consumption.

(3) There was objection to the granting of this appeal registered at the public hearing. There were also letters filed in favor of the granting of the appeal.

OPINION:

We are of the opinion that the change of use proposed will not affect adversely the present character or future development of the neighborhood in accordance with these regulations and the Comprehensive Plan for the District of Columbia, it being our opinion that the permission to make sandwiches on the premises for consumption off-premises, should not be objectionable inasmuch as these students and persons working in the area already buy the essentials from appellant to make sandwiches in trucks and in the open areas in the neighborhood.

In view of the facts stated above it is our further opinion that this exception will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and map.

This Order shall be subject to the following condition:

(a) No neon or gas tube displays shall be located on the outside of the building, nor shall any such displays, if placed inside the building, be visible from the outside of the structure.

(b) The business shall close no later than 7:00 p. m.