

PUBLIC HEARING--July 14, 1965

Appeal #8265 David Weltman, et al. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on August 25, 1965:

ORDERED:

That the appeal for a change of nonconforming use from a gasoline service station to the preparation and carry-out of seafood, 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) Appellant's lot, which is located in the R-5-B District, was originally in one lot 808 and was thereafter subdivided into lots 810 and 811. The property consisted of an old abandoned gasoline service station at the time of acquisition by appellant, the only remaining part of the station being a small building on lot 811.

(2) The appellant, as a month-to-month lessee, desires to utilize the abandoned building for the preparation and carry-out of steamed crabs.

(3) The owner of the property has agreed to permit this use on a thirty day lease until they are ready to develop the property with apartments or town houses. The owner owns approximately eight and one-half acres at this location of which this lot is a part.

(4) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

The premises have been used in the past for a nonconforming service station and, although all service station equipment has been removed, there has not been any action to put the site to a conforming use. Therefore, a vestige of nonconformity remains, the strength of which is difficult to determine from the evidence submitted at the hearing.

The Board also finds that the proposed use would not be detrimental to the surrounding neighborhood today. However, there is evidence that the neighborhood is beginning to undergo a transition for the better and the Board does not desire to approve a permanent use which will deter neighborhood improvement.

Therefore, the Board approves the appeal to use the existing structure for the carry-out sale of seafood and preparation thereof on the premises, for a period not to exceed three years or until such earlier time as the property is put to a use consistent with the R-5-B zoning.