

PUBLIC HEARING--December 15, 1965

Appeal #8520 Florence Cull, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. McIntosh dissenting, the following Order was entered on December 22, 1965:

**ORDERED:**

That the appeal to change a nonconforming use from storage of food products in an area not exceeding 2500 square feet as amended at the public hearing, to ice cream wholesale and retail, be denied.

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-4 District, has a frontage of 40 feet on 8th Street and a depth of 115 feet to a public alley in the rear. The property contains an area of 4600 square feet of land.

(2) The proposed operation consists of supplying trucks with ice cream at this location and thereafter they will depart to other places for sale. He will also have a small retail counter in the building.

(3) The operation will be five days a week with normal working hours of 8:00 a. m. until 6:00 p. m.

(4) This property is located in the R-4 District, which district extends for many blocks in all directions.

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

**OPINION:**

It is our opinion that the establishment of this type of use will affect adversely the present character and future development of the neighborhood in accordance with these regulations and the Comprehensive Plan for the District of Columbia, as the proposed use is "city-wide" in scope and will not provide a neighborhood facility. It is also our opinion that this type of use can become objectionable in this neighborhood by reason of trucking, noise and other objectionable features of a pick-up and delivery sort of business.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal # 8520 Florence Cull, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. William S. Harps not voting, the Board entered the following Order at the meeting of March 4, 1966.

ORDERED: Effective Date: March 28, 1966

That the appeal to change a nonconforming use from storage of food products in an area not exceeding 2500 square feet to ice cream wholesale and retail, be conditionally granted.

From the records and the evidence adduced at the public hearing, the Board finds the following facts.

- (1) The case was originally heard on December 15, 1965.
- (2) The Board's Order entered December 22, 1965, denied the appeal.
- (3) The facts found in the original Order are still applicable.
- (4) Appellant will own and operate no trucks.
- (5) Trucks which service appellant's business will be coming once a day or sometimes twice.
- (6) There was no objection to the granting of this appeal registered at the rehearing of the case.

OPINION

We incorporate in the Order the facts set forth in the Order of the Board of Zoning Adjustment issued December 22, 1965.

The Board is of the opinion that the new use will not effect adversely the present character or future development of the neighborhood.

The Order is subject to the following conditions:

- (a) The Order shall be effective for a period of one(1) year.
- (b) 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.