

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 13, 1966

Appeal No. 8837 Arthur B. Jarrett, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting, the following Order was entered at the meeting of the Board on July 18, 1966.

EFFECTIVE DATE OF ORDER -- Oct. 17, 1966

ORDERED:

That the appeal for permission to change a nonconforming use from refrigeration and air conditioning repairs, sales, service and storage to preparation of Chinese food for sale on premises and carryout at 1325 Constitution Avenue, NE., lot 814, square 1034, be denied.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-4 District.
- (2) The property is improved with a two story brick row building having a store front on the first floor. The property was previously used for the repair and sale of refrigerators and air conditioners.
- (3) Appellant proposes to sell the store to a purchaser who would manufacture chow mein on the premises and sell it to be carried out.
- (4) The proposed establishment would employ two persons and be operated during the hours 9:00 a.m. to 9:00 p.m. daily.
- (5) There was objection from residents of the neighborhood on the grounds that the proposed use would detract from the character of the neighborhood and encourage loitering. The record contains 5 letters and petitions containing the signature of 55 persons who reside in the neighborhood who oppose granting this appeal.

OPINION:

We are of the opinion that the changing of this nonconforming use to a place for the manufacture and sale of chow mein for carry out would have an adverse effect upon the present character and the future development of the neighborhood.

Appellant states that there is another carry out shop in the same area. There was considerable neighborhood opposition to this proposed use so it cannot be shown that this will be a neighborhood facility that is reasonably necessary and convenient to the residents that it is designed to serve.