

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8879 Carolina Building Corp., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. William S. Harps and Arthur P. Davis dissenting, the following Order was entered at the meeting of the Board on September 20, 1966.

EFFECTIVE DATE OF ORDER -- Jan. 24, 1967

ORDERED:

That the appeal for permission to change a nonconforming use from a retail grocery, premises 103 - 11th Street, SE., motion picture studio, 105 - 11th Street, SE., dry cleaning agency, 103 11th Street, SE., all on lot 807 to a retail food store at 103-05-07 - 11th Street, SE., lot 807, square 968, denied.

FINDINGS OF FACT:

- (1) The property is improved with a one-story commercial store having an off-street loading facility but no area for off-street parking.
- (2) The building is now vacant and has been vacant for approximately three years.
- (3) The present zoning is R-4 which permits residential development but no commercial.
- (4) The building has been nonconforming since the 1958 zoning ordinance was passed changing it from first commercial to R-4. At that time, it had 3 different C-1 commercial uses located there, to wit: photo studio, laundry agency and a driver agency.
- (5) The three store areas were consolidated into one area and occupied by a motion picture studio and sound tract studio as the last tenant. These uses are first permitted in a C-2 District.

(6) There is no evidence that a nonconforming use certificate was secured within 6 months after adoption of the 1958 regulations.

(7) Appellant requests that the Board permit a change of non-conforming use from a photographic studio to a national-chain grocery store occupying 4,500 square feet.

(8) The owners propose to remodel the store by spending approximately \$125,000 to provide a new facade, roof line and to make suitable internal changes to accommodate the proposed use. They intend to provide no off-street parking, but will retain the off-street loading, unloading and pickup driveway.

(9) Appellant has stated that he has made every effort during the past months to rent this to other tenants without success.

(10) He has prepared a statement showing that it is not financially feasible to raze the existing building and build an R-4 type apartment house on the land.

(11) There are on record 22 letters from individuals and 3 letters from community organizations opposing this change of non-conforming use. One letter supports the change. Their principal points in opposition are: The traffic problems in the area which are now serious will be aggravated. There are sufficient neighborhood stores of this type in the area to supply the basic necessities. The proposed store structure and method of operating is not harmonious with the architecture of the area. The area is a location of noteworthy restoration of old houses which has stopped the gradual blight spreading through the North Capitol Hill Area. Stable zoning conditions are necessary if this asserted progress is to continue.

(12) The last use of the premises was operated entirely within the confines of the buildings with very little external evidence of the use conducted within. There was no large display advertising or lighting.

OPINION:

It is the opinion of the Board that the type of use that is proposed to be substituted for the former alleged nonconforming use is of an entirely different character than exists now.

The proposed use is a neighborhood supermarket. The nature of this type of business requires that business be conducted six (6) days a week and usually with evening hours. The competitive nature

of chain-food stores is such that they depend very greatly upon identification of the facility by means of signs and lights. The constant promotion of sales items results in large billboard-like advertising in the windows. Grocery stores of supermarket proportions or operations depend upon volume and it is reasonable to expect that they will generate excessive vehicular and pedestrian traffic.

The Board cannot find that the proposed use will be a neighborhood facility; that it will not be objectionable; that it will not adversely affect the present character or the future development of the neighborhood. Conversely, the Board finds that the traffic the proposed use will be expected to generate will be excessive; the architectural features of the altered building will be incompatible with the neighborhood, and that signs and visible advertising are likely to be detrimental to the neighborhood.

Therefore, the request must be denied.