

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- October 12, 1966

Appeal No. 8933 Molly Biskar, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on October 17, 1966.

ORDERED:

That the appeal for permission to change a nonconforming use from a Chinese laundry to a delicatessen carry-out shop at 301 Elm Street, NW., lot 802, square 3085, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-4 District.
- (2) This corner property is improved with a two-story brick building having frontages on both Third and Elm Streets, NW.
- (3) Appellant proposes to operate a carry-out shop on the first floor of the subject premises and use the second floor as an apartment dwelling.
- (4) The proposed establishment would employ two persons and be operated seven days a week during the hours from 8:00 a.m. to 10:00 or 11:00 p.m. No provisions would be made for consumption of food on the premises.
- (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 and other nuisances. The Bloomingdale Civic Association, Inc. and the LeDroit Park Civic Association oppose the granting of this appeal. The record contains one letter and a petition containing the signatures of 40 persons who reside in the neighborhood, opposing the granting of this appeal.

OPINION:

We are of the opinion that changing this nonconforming use to a carry-out shop would have an adverse effect upon the present character and the future development of the neighborhood.

From the testimony of the citizens of the area, there are other facilities of this type in the neighborhood and their experience with such businesses has been unfavorable. We cannot make a finding that this proposed use will be neighborhood facility which is reasonably necessary and convenient to the neighborhood that it is designed to serve.