

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- January 18, 1967

Appeal No. 9091 Douglas Mackall, 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 January 27, 1967.

ORDERED:

That the appeal for permission to change a nonconforming use from a dry cleaning establishment to a grocery store at 3801 N. Hampshire Avenue, NW., lot 32, square 3131, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-4 District.
- (2) The property is located on a triangular lot and is improved with a one-story brick building with store front windows. There is no access from the building to a public alley.
- (3) Appellant proposes to utilize the building as a grocery store.
- (4) The store would have one employee in addition to the proprietor, and operated six days a week during the hours 9:00 a.m. to 6:00 p.m.
- (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 cause unsanitary conditions.
- (6) The record contains a petition with 180 names of residents who oppose this appeal. Opposition registered at the public hearing.

OPINION:

We are of the opinion that the changing of this nonconforming use to a grocery store would have an adverse effect on the neighborhood. Such an operation would necessitate the loading and unloading of produce and other items across the sidewalk in an area where there is heavy traffic, and no facilities for loading and unloading. In addition, there is no access to a public

alley where trash and garbage could be stored and picked up.

It is admitted that there are other facilities of this type within close proximity of the proposed use. Therefore, it cannot be concluded, over the objections of the residents, that this proposed use is a neighborhood facility reasonably necessary and convenient to the neighborhood it is designed to serve.