

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 12, 1967

Appeal No. 9271 Maragraet A. Burns et al, appellants.

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 July 19, 1967.

ORDERED:

That the appeal for permission to change a nonconforming use from a dance studio to a cafeteria at 2130 Florida Avenue, NW., lot 13, square 65, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-5-B District.
 - (2) The property is improved with a single story row brick structure which abuts a grocery store located at the corner of Florida Avenue and R Street, NW.
 - (3) Appellant proposes to operate a cafeteria in the building and use it in conjunction with the existing grocery store.
 - (4) The proposed cafeteria would serve approximately 50 people, mainly those who work in the nearby area or who reside in the area.
 - (5) The last certificate of occupancy was issued January 16, 1956 for a dance studio (less than 15 persons) on first floor. Certificate of Occupancy No. A-34282.
 - (6) The proposed cafeteria has no rear alley access. The subject property is located within a few blocks of Connecticut Avenue which has various commercial uses.
 - (7) By letter dated July 12, 1967 (BZA Exhibit No. 10) the Dupont Circle Citizens Association Zoning Committee supports this appeal. This action was challenged at the public hearing by the President of the Association. The file contains a petition with 112 signatures of persons who support the appeal.
 - (8) The Dupont Circle Citizens Association opposes the granting of this appeal by letter dated July 17, 1967 (BZA Exhibit No. 14).
 - (9) On August 16, 1967 the appellant requested a rehearing of this case. At its executive session on August 16, 1967 the Board denied by a vote 4-1 with Mr. Davis dissenting, denied the rehearing request. There was no showing that there would be presented new evidence which was not or could not have been reasonably presented at the original hearing.
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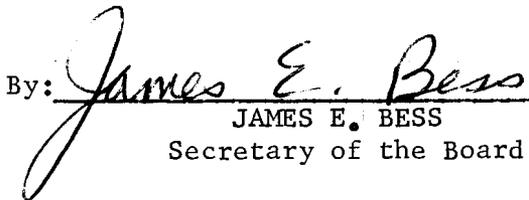
OPINION:

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

From the evidence and the knowledge of the Board, there are many facilities of this type within this general area and a short distance from the subject property. Most of the other similar uses are located on commercial property. This nonconforming property is in a residential building although the use would be purely commercial. There was considerable testimony which supported and opposed this kind of use for the property. In this light, the Board cannot find that this proposed use will be a neighborhood facility which is reasonably necessary and convenient to the neighborhood that it is designed to serve.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:  _____
JAMES E. BESS
Secretary of the Board