

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 17, 1968

Appeal No. 9678 Jeanette R. Traten, 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 July 23, 1968.

ORDERED:

That the appeal for permission to change a nonconforming use from an antique shop to a retail dairy products store at 6640 Georgia Avenue, N.W., lot 808, Square 2947 be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District.
2. The property is improved with a 1-story brick building, formerly used as an antique shop.
3. It is proposed to use the property as a dairy products store.
4. No opposition to the granting of the appeal was registered at the public hearing.
5. By letter dated August 2, 1968, (BZA Exhibit No. 10) appellant requested a rehearing or reconsideration. On August 14, 1968, the Board, by unanimous vote, denied the request.

OPINION:

We are of the opinion that to permit a change of a nonconforming use from an antique shop to a retail dairy products store would have an adverse effect upon the present character and future development of the neighborhood.

During the active business life of the antique store, there was no significant adverse effect upon the neighborhood. However, due to the nature and character of the merchandise that is offered for sale in a retail dairy product store, it is fair to assume that there will be a substantial increase in traffic and intensity of use of the premises. The nonconforming use statute contemplates that the property will eventually return to a use that is permitted within the zoning classification, not that other nonconforming uses will be promulgated

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to thrive and prosper. There is a considerable difference between the two uses and, in our opinion, the dairy products store has a greater potential for the creation of detrimental effects upon the neighborhood. Therefore, the appeal must be denied.

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

ATTESTED:

By:


CHARLES E. MORGAN
Secretary of the Board