

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - April 16, 1969

Appeal No. 9993 A. Bolling Newsome and Roy H. Jones, 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 April 23, 1969.

ORDERED:

That the appeal for permission to change a nonconforming use from grocery store to grocery and delicatessen at 3428 O Street, NW., lot 76, Square 1228, be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
2. The property is improved with a building which has a retail grocery on the first floor and apartment uses above.
3. Appellant proposes to establish a delicatessen in conjunction with the grocery business.
4. It is proposed to operate the delicatessen six days a week from 8:00 a.m. to 7:00 p.m.
5. There was considerable opposition from the neighborhood on the grounds that the proposed delicatessen would detract from the neighborhood and encourage transients.

OPINION:

We are of the opinion that the changing of this nonconforming use to a place for the preparation of sandwiches as well as retail sale of groceries would have an adverse effect upon the present character and future development of the neighborhood.

OPINION Cont'd

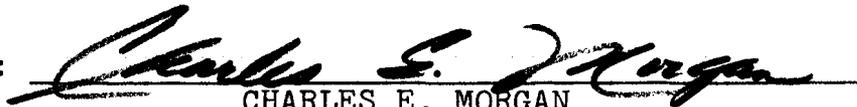
Further, we find that there is a carry out shop in the same area. There was considerable neighborhood opposition to this proposed use so it cannot be shown that this will be a neighborhood facility, with regard to the carry out shop, that is reasonably necessary and convenient to the residents it is designed to serve.

Additionally, it is the intent of the Regulations that all property located within a zoning district should eventually conform to the uses without such district. To permit a delicatessen at the subject site would be to perpetuate a use not contemplated by the Regulations. Therefore, this appeal must be denied.

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

ATTESTED:

By:



CHARLES E. MORGAN
Secretary of the Board