BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Estelle Goldman
on Behalf of 7-Eleven, Inc.

BZA Application No. 17021
Public Hearing: September 23, 2003
ANC 2A

D.C. OFFICE OF ZONING
RECEIVED
2003 SEP 17 PM 4:1

STATEMENT IN OPPOSITION TO REQUEST TO EXPAND HOURS OF OPERATION TO 24 HOURS A DAY

Harold L. Talisman, residing at 837 New Hampshire Avenue, NW, hereby opposes the instant application on behalf of Estelle Goldman, owner, by 7-Eleven, Inc., lessee, to expand the hours of operation of the 7-Eleven store at 912 New Hampshire Avenue, NW, to 24-hours a day.

I. Applicant Is Operating Without Proper Zoning Authority

While the Applicant states (Application, p.1) that "[t]he grocery store and delicatessen have been in operation under a series of approved special exceptions for a period of approximately twenty (20) years", this is incorrect as shown by the very exhibits it cites. The most recent special exception granted to the applicant was on November 1, 1997, but that approval was limited to "a period of THREE YEARS." (Application, Exhibit D). Thus, the authorization expired on November 1, 2000 and Applicant has been operating without proper zoning authorization, since November 1, 2000.

Additionally, Applicant has not received a Certificate of Occupancy for the premises. Exhibit E to the application shows that a Certificate of Occupancy was issued to "Parsha, Inc." Parsha, Inc. is not a party to this application, nor was it a party to the previous applications and no explanation is provided as to who Parsha, Inc. is. Thus, not

BZA
Case No. 17021
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO. 17021
EXHIBIT NO. 44

only is there no valid special exception in force at this time, but the Applicant has failed to obtain a Certificate of Occupancy.

Applicant states that the "second floor of the building is an apartment unit which is used by Applicant as temporary housing for employees relocating in the Washington, D. C. area." Thus, it appears to be a rooming house operation. There is no indication that Applicant has authority for such an operation.

II. Applicant's Request To Expand The Hours of Operation To 24 Hours Per Day Is Precluded By Section 3104.0 of the Zoning Regulations.

Contrary to Applicant's unsubstantiated claims , the request will not comply with Section 3104.1 of the Zoning Regulations, which requires that the proposal " not tend to affect adversely the use of neighboring property." Indeed, the proposed 24 hour operation would increase the noise levels during sleeping hours, increase the trash already being experienced on neighbors yards, sidewalks and streets from the operation of the 7-Eleven Store, increase traffic, increase the potential for crime, encourage the 7-Eleven to be used as a hang-out during late hours, all of which will adversely affect the living conditions and property values of neighboring properties.

Applicant appears to suggest that the new George Washington Hospital somehow enhances its request to operate for 24 hours. To the contrary, as a condition to the authorization, BZA expressly provided that deliveries to the loading dock of the hospital, which is across the street from the 7-Eleven, could not begin before 7AM and had to terminate by 7PM. This was expressly done to partially mitigate the noise , traffic and pollution concerns of ANC2A. To now allow a 24-hour operation of the 7- Eleven would be totally inconsistent with the goal of those conditions. Moreover, the hospital cafeteria remains open until 11PM and has vending machines offering food and drinks thereafter.

In view of the foregoing, Harold L. Talisman requests that the request of Applicant to operate the existing store 24-hours a day be denied. I have no objection to the continued operation of the store from 7AM to 11PM, provided that Applicant operates the store in accordance with the Management Agreement entered into with Advisory Neighborhood Commission 2A, which is Exhibit E to the application.

Respectfully submitted,



Harold L. Talisman

K:\hlt\STATEMENT OF APPLICATION.doc