

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- September 13, 1972

Application No. 11107 Carl X. and Susan V. Motta, appellants

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried with the absence of Mr. Scrivener, the following Order of the Board was entered at its meeting of September 25, 1972.

EFFECTIVE DATE OF ORDER -- October 27, 1972

ORDERED:

That the application for permission to change a nonconforming use from retail dry cleaners to offices for non-profit organization at 413 East Capitol Street, lot 17, Square 817 be CONDITIONALLY GRANTED.

FINDINGS OF FACT:

1. The present use of the property at issue is a retail dry cleaners and is located in an R-4 zone (row dwellings and conversions). The cleaners occupies the first floor and the second and third floor are at present used as residential (apartments) and have been used as such in the past.

2. Converting the building to a use conforming to the R-4 zoning cannot be accomplished in such a way as to allow fair and reasonable return for ownership.

3. The facility will house offices for two non-profit organizations known as the National Student Lobby and the Coalition on National Priorities and Military Policy.

4. The facility will have no walk-in trade from the neighborhood as it will conduct its business almost exclusively by mail.

5. Opposition was expressed in writing in the file. Neighborhood civic groups (2) expressed the view that the facility is an intrusion on the residential character of the

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neighborhood. But, subsequent letters to the commission indicate opposition only to the conversion of the second and third floors. The first floor change from a cleaners to an office was considered an upgrade and hence unopposed.

OPINION:

This request expresses applicant's desire for permission to change the character of a nonconforming use. The property is located in an R-4 zone (row dwellings and conversions) and consists of three stories. The first story is a retail dry cleaners; the second and third are residential units. Applicant seeks now to convert all three stories to offices.

The first floor is already adapted for commercial use as a nonconforming use and to return the floor to an R-4 conforming use would work a hardship on the owner. However, the second and third floors do conform to the neighborhood scheme and are to remain as such.

The alteration of the first floor will entail internal changes only. The exterior facade of the structure will be remodeled to again match the general neighborhood design.

This change is conditional upon the following limitations:

- a. No neon or gas tube displays shall be located on the outside of the building nor shall any such displays if placed inside the building be visible from the outside.
- b. Office space shall be restricted to the first floor only.
- c. Office hours are to be set from 9:00 a.m. to 5:00 p.m., Monday through Friday and there shall be a maximum of ten (10) employees.

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d. Persons having business with these offices will be by appointment only and most of the organization business will be carried on by mail.

Also, traffic and parking problems will be lessened by the change from a retail establishment to offices, as the need for cars and parking space will be reduced by the nature of the change.

We find that pursuant to Sections 7104.2 and 7109.1-12 of the D. C. Zoning Regulations, applicant has satisfied the prerequisites for change of the nonconforming use as to the first floor only. The second and third floors are to remain as residential apartment units.

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

ATTESTED:

  
By: \_\_\_\_\_  
GEORGE A. GROGAN  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.