

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - August 30, 1972

Application No. 11125 - Luola B. Stuart, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

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

ORDERED:

That the application for permission to change a non-conforming use from tailor shop to rental of masquerade costumes and dressmaking on first floor at No. 35 8th Street, N.E., lot 19, Square 919, be DENIED.

FINDINGS OF FACT:

1. Subject site is a two story structure located in a R-4 zone (row dwellings and conversions). Frontage is on 8th Street on corner lot 19 of square 919 to A Street.

2. The present use of the facility is as a retail dry cleaners.

3. Applicant proposes to convert facility to a dress-making shop and costume rental service pursuant to Section 7104.2 of D.C. Zoning Regulations which permits change of the nonconforming use.

4. The present use is classified as a neighborhood use and services that area only.

5. The proposed new use would service customers from a city-wide area.

6. The use is limited to the first floor only.

OPINION:

Applicant seeks permission to convert the present nonconforming use of a retail dry cleaners to a dressmaking shop.

The area in which the building is situated is zoned residential row dwellings. And the shop draws its customers from the immediate area. In order for the Board to grant a nonconforming use it must first be established that the use is in fact a neighborhood service and does not draw clientele from the city proper.

Consideration is also given to parking and traffic problems. In this case, the shop would secure most of its business through orders via telephone and thus very little walk in customers would result. Also the nature of the change would generate less auto and foot traffic.

The file reflects no opposition to the change and contains a written statement of the Capitol Hill Restoration Society supporting the change. Included also is a supportive letter from a neighboring business, D.C. Gazette.

However, we find that the consideration of this Board according to the regulations (Section 7104.2 and 7109.11) must be whether or not the shop will continue as truly a neighborhood facility. We think not.

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

ATTESTED

By: 

GEORGE A. GROGAN
Secretary of the Board

December 12, 1972

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- August 30, 1972

Application No. 11125 Loula B. Stuart, appellant

On motion duly made, seconded and carried by a vote of 4-0, the following Order of the Board was entered at the meeting of May 22, 1973.

EFFECTIVE DATE OF ORDER -- JUL 18 1973

ORDERED:

That the application for permission to change a nonconforming use from a tailor shop to rental of masquerade costumes and dressmaking on the first floor at 35 8th Street, N.E., Lot 19, Square 919, be **CONDITIONALLY GRANTED**.

FINDINGS OF FACT:

1. Subject site is a 2-story structure located in an R-4 Zone. Frontage is on 8th and A Streets, a corner lot, number 19.
2. The present use of the first floor is a tailor shop (Certificate of Occupancy No. B-78847).
3. Applicant proposes to convert the first floor to a dress making shop and costume rental service.
4. A tailor shop is a C-1 District use as are dressmaking shop and wearing apparel store.
5. No opposition was registered at the public hearing, whereas the file does contain several letters in support.

OPINION:

The Board is of the opinion that this application should be granted. We find that the proposed new use will be a neighborhood facility and the type of use which will not be objectionable. Further, we find that the new use will not generate noise, traffic or any other deleterious external effects which would be offensive to the neighborhood.

Application No. 11125

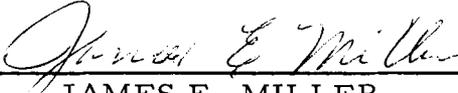
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The change of nonconforming use from tailor shop to dress making and costume rental is granted subject to the following conditions:

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.

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

ATTESTED:

By: 
JAMES E. MILLER
Secretary to 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.