

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 11782, of F. Bruce Corneal, Jr., pursuant to Sections S207 and 7104.2 of the Zoning Regulations, for a special exception to change a nonconforming use from a grocery store to a dental office in the R-4 district at No. 27 6th Street, N.E., Lot 851, Square 868.

HEARING DATE: November 20, 1974

DECISION DATE: January 6, 1975

FINDINGS OF FACT:

1. The subject property is located in an R-4 district and the building thereon was constructed in approximately 1908.

2. The portion of the building involved in this application consists of approximately 900 square feet and has been continuously utilized as a grocery store virtually from its construction through July of 1973. The remainder of the building is used for apartments and consists of approximately 4600 square feet. There is no direct access between the subject area and the rest of the building. The property was listed for rent as a grocery store by the applicant from July, 1973, approximately until the filing of this application in August of 1974, at which time the applicant obtained a prospective dentist tenant. Applicant had been unable to obtain a grocery store user.

3. A grocery store use is first permitted in a C-1 district. A dentist's office is first permitted by way of conversion of an existing building in an S-P district, a more restrictive district than the C-1 district.

4. The prospective dentist tenant intends to operate his office as a local neighborhood service offering health care to residents of the area. The use will be primarily a neighborhood facility.

5. The dentist's office use will be less intense than the previous grocery store use. The dentist's office will be open from 8:30 to 5:30, five days a week, whereas the grocery store was open approximately 12 to 14 hours per day, seven days per week.

6. The personnel of the dentist's office will consist of one dentist, one receptionist and two dental assistants, who will not be dentists themselves. The dentist will attempt to comply with local area residents.

7. The dentist's office will not produce any external noises, odors or visual effects which would be objectionable to the surrounding area. The building in which the dentist's office will be located is semi-detached and is located on a corner lot at the intersection of 6th and A Streets, N.E. All equipment will be installed with appropriate sound proofing and in accordance with applicable health and building codes.

8. The exterior of the building will not be altered except for necessary repairs. The picture windows which face out upon 6th Street, N.E. will remain and the interior space will be shielded from view from the street by drapes.

9. There will be no illuminated signs, and only one small sign on the exterior of the premises showing the dentist's name and occupation.

10. The dentist will schedule patients by appointment only and he anticipates that there will be no more than two to three patients in the office at one time resulting in a maximum of sixteen to eighteen patients per day.

11. The applicant has made a general survey of the uses located within 300 feet in all directions from the subject property. Most property in the area is used for residential use, primarily row and semi-detached dwellings with a few apartment buildings. There are several nonconforming uses along East Capitol Street to the south of the subject property. Directly across 6th Street from the subject property on the southwest corner of the intersection of 6th and A Streets, N.E. is a church and church parking lot.

12. The prospective dentist tenant has made a personal survey of the dental services available in the area and has found that there is a need for dental services in the area. He proposes to develop a local clientele, and thus a substantial number of his patients will arrive and leave by foot.

13. The subject property is located only one block from major bus lines on Constitution Avenue and East Capitol Street.

14. The Capitol Hill Restoration Society and the Capitol Hill Southeast Citizens Association, Inc. filed letters in support of this application in which they stated that dental facilities are a needed and desirable service for the area, and that the dental office would be an unobjectionable use.

CONCLUSIONS OF LAW:

In consideration of the above Findings of Fact and of the requirements of the Zoning Regulations, the Board concludes that the requested special exception for a change in nonconforming use may be granted without injury to the general purpose and intent of the Zoning Regulations and Maps and without adverse effect upon the use of neighboring property. The proposed dentist tenant has made a personal survey of the need for his services in the area and has found that there is such a need, and

consequently he intends to provide a primarily neighborhood facility. The applicant has also made a survey of the area which indicates that the area is predominantly residential in character with a few nonconforming uses along East Capitol Street. The dentist's office, which is permitted as a matter of right in all districts where the dentist resides on the premises, will be compatible with the residential character of the area. The southeastern corner of 6th and A Streets, has had a commercial character virtually since 1908, the year in which the subject building was constructed, since the portion of the building in question has been used as a grocery store during most of that time to the present date. The Board concludes that the dentist's office will be more compatible with the area than the grocery store use. Finally, the dentist's office will not create any noise, odor, or visual impact which would have an adverse effect upon the neighborhood.

ORDERED:

That the above application be GRANTED.

VOTE: 3-0 (Mr. Klauber did not hear case, Lilla Burt Cummings, Esq. abstaining)

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

ATTESTED BY:

  
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JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF THE ORDER: JAN 06 1975

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 WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.